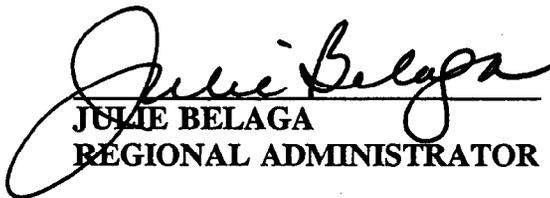


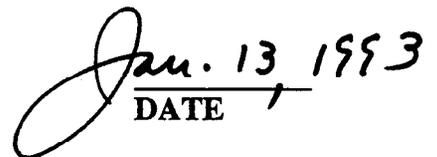
PUBLIC RECORD OF DECISION
ON THE
FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR THE
DESIGNATION OF AN OCEAN DREDGED MATERIAL
DISPOSAL SITE IN MASSACHUSETTS BAY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
BOSTON, MASSACHUSETTS

APPROVED BY:



JULIE BELAGA
REGIONAL ADMINISTRATOR



DATE

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I. Background

EPA, the U.S. Army Corps of Engineers ("COE"), and the Commonwealth of Massachusetts have identified an economic and navigational need for a dredged material disposal site in Massachusetts Bay. EPA is therefore proposing designation of a dredged material disposal site in Massachusetts Bay. This action is necessary to provide an acceptable ocean disposal site to be considered as an alternative for the current and future disposal of dredged material. Final site designation will serve to clarify the site's status for the long-term, including its availability as an ocean disposal alternative to consider during case-by-case permit reviews for future dredging projects. The Massachusetts Coastal Zone Management ("MCZM") office has determined that designation of the Massachusetts Bay Disposal Site ("MBDS") is consistent with the state's coastal policies, which recognize both the need to protect coastal water quality through proper control of dredge and fill operations and the need to maintain navigation channels and improve harbors to increase the movement of waterborne commerce (*see* Appendix A). The federal consistency review process is discussed further in Section IV.

It should be emphasized that if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of dredged material at the site. Before ocean dumping of dredged material at the site may commence, the COE must evaluate a permit application in light of EPA's Ocean Dumping Criteria. Federal projects are also evaluated in accordance with those criteria. In either case, EPA may disapprove the actual dumping if it determines that environmental concerns under the Marine, Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. §§ 1401 *et seq.* ("MPRSA"), have not been met.

Section 102(c) of the MPRSA, gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dredged material disposal sites to Regional Administrators. This proposed site designation is being made pursuant to that authority.

The MBDS has been used for ocean disposal activities since the 1940s. In 1977, EPA promulgated the ocean dumping regulations, and subsequently granted interim site designation status to sites which had been historically used. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*) and was last extended on August 19, 1985 (50 FR 33338 *et seq.*). That list established an interim site near "Marblehead, MA", the existing MBDS, and extended its period of use until July 31, 1988, or until final rulemaking is completed. EPA is currently proposing to move this interim site boundary toward the southwest (approximately 1 nautical mile westward and 1/2 nautical mile southward).

It is EPA's voluntary policy to prepare Environmental Impact Statements ("EISs") in accordance with the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.*, for ocean dredged material disposal site designations under the MPRSA (39 FR 16187 (May 7, 1974)), and EPA has prepared draft, supplemental, and final EISs entitled "Evaluation of Continued Use of the Massachusetts Bay Dredged Material Disposal Site," "Alternative Site Screening," and "Designation of an Ocean Dredged Material Disposal Site in Massachusetts

Bay" respectively. On September 29, 1989, a notice of availability of the DEIS for public review and comment was published in the Federal Register (54 FR 40177). On July 6, 1990, a notice of availability of the SDEIS for public review and comment was published in the Federal Register (55 FR 27886). On July 24, 1992, a notice of availability of the FEIS for public review and comment was published in the Federal Register (57 FR 32988). The public comment periods on the DEIS, SDEIS, and FEIS closed on November 13, 1989, August 20, 1990, and August 28, 1992, respectively.

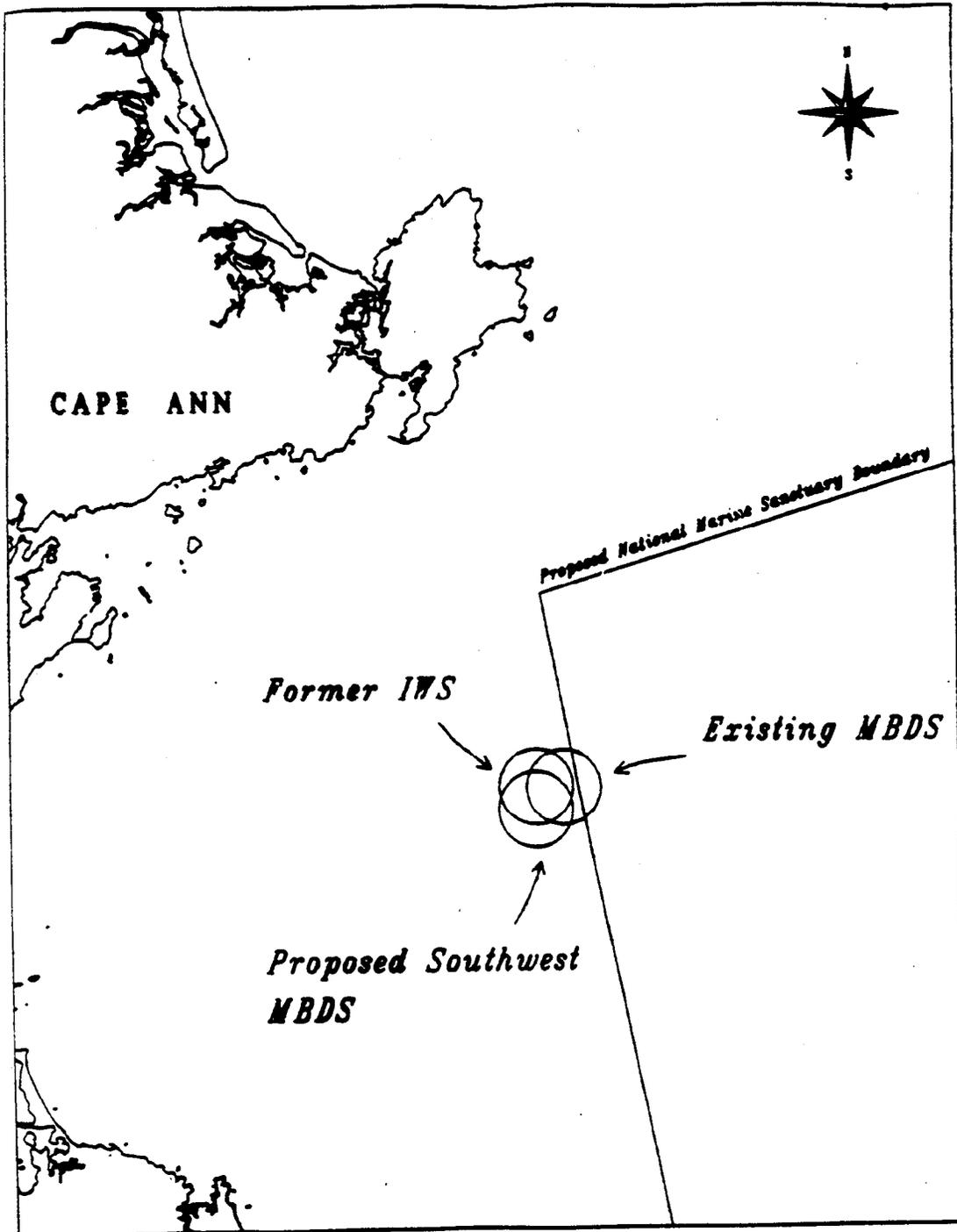
The EISs discuss the need for the action and examine ocean disposal site alternatives to the proposed action. Information needed to evaluate the suitability of ocean areas for final designation is presented. Regional land based alternatives were rejected because of the lack of available land area near dredging proposals, the lack of information on possible creation of marshlands, and increased costs relative to ocean disposal. Additional analysis of specific land-based alternatives will be performed and thoroughly evaluated as part of any application for a permit to use the site. Also, because of the enormous variability amongst individual dredging projects, other alternatives, including containment sites, upland, and inshore disposal areas were only considered in general terms. Additionally, EPA, together with the COE, MCZM, and Massport, is working on a long-term disposal plan for contaminated marine sediments from Massachusetts waters.

Several reviewers commented on these EISs. The comments received on the DEIS and the SDEIS were presented in Appendix A to the FEIS and responses to the comments were presented in Chapter 3 of the FEIS. The comments received on the FEIS (including those received after the close of the comment period) are presented in Appendix B to this document. Some of the environmental concerns raised during the site designation process included: 1) potential disposal of contaminated dredged material at the site; 2) the potential for public health impacts; 3) evaluation of other alternatives, including alternative site locations and alternative types, quantities, and volumes of material to be disposed at the MBDS; 4) the presence of low-level radioactive and industrial waste containers in the area; 5) the effect of dredged material disposal on the Stellwagen Bank National Marine Sanctuary; and 6) management and monitoring of the MBDS. All comments were carefully considered by EPA before this proposed action.

II. EPA Decision and Site Location

EPA is currently proposing to designate an area southwest of the existing MBDS, a two nautical mile diameter circle centered at 70° 35.0' west longitude and 42° 25.1' north latitude, as the modified boundary for the MBDS. These are the coordinates EPA proposes to list in the Federal Register when the Proposed and Final Rulemaking packages are published. The proposed MBDS is approximately 1 nautical mile westward and 1/2 nautical mile southward of the existing interim site. The site is approximately 22 nautical miles offshore from Boston. Water depths at the site average 90 meters. The boundaries of the existing MBDS, the Industrial Waste Site ("IWS"), and the proposed MBDS are depicted on Figure 1.

Figure 1: Location of the Proposed MBDS Final Boundary



EPA's proposal to revise the existing MBDS boundary by moving it slightly to the southwest will have several advantages. First, the revised MBDS boundary will not encompass the relatively pristine eastern portion of the existing MBDS, including the toe of Stellwagen Bank. This area has not been used historically for dumping and by excluding it from the proposed MBDS boundary it will not be used in the future either. Second, although the new boundary would overlap the IWS in part, the proposed MBDS boundary avoids the northern area within the IWS where old waste barrels and debris are concentrated. Relocation of the MBDS boundary to the southwest area will not result in disposing dredged material on top of previously disposed barrels or debris. The potential public health and environmental risk from past disposal at the IWS and other sites in Massachusetts Bay will continue to be the subject of ongoing EPA studies. Third, the new MBDS boundary encompasses an area outside the existing MBDS where contaminated sediments have been identified, probably as a result of past short-dumping. Relocating the MBDS boundary will enable EPA and the COE to eventually cover this contaminated area with cleaner sediments. Fourth, the revised disposal site boundary will not encroach onto the proposed boundaries of the Stellwagen Bank National Marine Sanctuary as proposed by the National Oceanic and Atmospheric Administration. Although a dredged material disposal site can properly be maintained within a National Marine Sanctuary under appropriate circumstances, as EPA believes exist here, many commentators felt the disposal site should be kept outside the sanctuary.

III. Screening and Evaluation of Alternatives

The purpose of EPA's analyses is to determine the continuing need for and suitability of the interim MBDS as an available option for dredged material disposal in light of the Ocean Dumping Regulations (40 CFR Parts 220 to 229). The site selection criteria promulgated under the MPRSA were explicitly applied during the site designation process and EPA's primary consideration in siting a disposal area was to locate a site which satisfied the criteria established at 40 CFR §§228.5 and 228.6. As explained in the SDEIS, the process for identifying sites for disposal of dredged material begins with the delineation of a Zone of Siting Feasibility ("ZSF"). This zone must be located within an economically and operationally feasible distance from potential dredging projects, but must also exclude environmentally sensitive areas. Several factors influence the extent of the ZSF, including, environmentally sensitive areas, navigation restrictions, cost of transporting dredged material, distance to the edge of the Continental Shelf, existing political boundaries, and areas of incompatible uses.

Delineation of the ZSF allows EPA to focus studies on areas and candidate sites where disposal of dredged material could be practical and might be environmentally acceptable, and to avoid spending limited resources on studies of sites where dredged material disposal is not economically, operationally, or environmentally feasible. In the SDEIS, EPA identified the ZSF as three areas which merited additional analyses to determine their suitability as potential ocean dredged material disposal sites.

Alternative ocean sites which were rejected from consideration were approximately 25 nautical miles further offshore and approximately 15 nautical miles south of the proposed location. Disposing dredged material in these sites would not have any appreciable benefits over possible sites within the ZSF, but would have several detriments. First, alternative deepwater sites on the Continental Shelf beyond the Gulf of Maine were rejected from consideration because the greater distance from shore (approximately 250 nautical miles) increases the potential for short dumping due to possible emergencies during adverse weather conditions. Second, these sites were rejected because greater water depth (over 200 meters) would result in the deposition of dredged materials over a larger area than projected for those sites within the ZSF. Finally, those sites were rejected because the costs to transport the dredged material to them would be excessive.

The ocean dredged material disposal site selection process was governed by the need to ensure that unacceptable adverse impacts would not occur at the selected site. In other words, although certain short-term impacts resulting from disposal might occur, the evaluation process is aimed to avoid any long-term unacceptable adverse impacts. Sites that were favored included those that would minimize interference with other marine activities and prevent any temporary perturbations from any dumping from causing impacts outside the disposal site. Ease of monitoring was also an important consideration to allow detection of any adverse impacts at an early stage.

The MPRSA and its implementing regulations (set forth at 40 CFR §228.5(e)) require the EPA to consider, wherever feasible, designating ocean disposal sites beyond the Continental Shelf. If the edge of the Continental Shelf is within the ZSF, it should be retained as a disposal option. The large transit distances to the Continental Shelf, as discussed above, make costs of transport economically infeasible as additional costs, such as added crew to change shifts, larger transit distances, and ocean-going barges and tugs, would be incurred. In addition, EPA's ZSF analysis identified potential environmentally acceptable sites closer to shore, making it even more unnecessary to further consider a potential site off the Continental Shelf. Furthermore, EPA determined that no environmental benefit would be obtained by selecting a site off the Continental Shelf. Therefore, sites at the edge of the Shelf and beyond were not included in the ZSF.

The site selection process consisted of three distinct phases. First, the ZSF was demarcated to identify areas which may be suitable to accommodate potential candidate sites. Then, a screening-level analysis, using the general and specific criteria at 40 CFR §§228.5 and 228.6, was conducted for the general areas to identify and evaluate alternative potential disposal sites within the ZSF. These two steps are documented in the SDEIS, which was prepared to greatly extend EPA's evaluation of alternatives and responded to several comments on the DEIS which urged an expanded consideration of alternative sites to the existing MBDS. Finally, reasonable alternatives remaining after screening (in this case, only the Northern Massachusetts Bay area, which contains the MBDS, remained) were subjected to a detailed analysis in the DEIS. Since the SDEIS affirmed EPA's preferred site area identified in the DEIS, there was no need to conduct further detailed analyses of other areas. The DEIS evaluated potential environmental effects resulting from continued use of the site after determining that no feasible upland alternatives existed for regional dredging needs. The SDEIS analysis revisited the alternatives analysis and again indicated that the Northern

Massachusetts Bay area, including the existing MBDS, was equal to or better than the other areas for all criteria considered. Based on this analysis, it was reasonable to screen the other alternatives and focus the detailed analysis on the suitability of the MBDS for continued use.

The 11 specific factors at 40 CFR §228.6 are used to evaluate a proposed disposal site to ensure that the general criteria are met and to assess potential impacts from disposal at that site. The criteria are used to make comparisons between sites and are the bases for final site selection. The characteristics of the proposed site and a brief explanation of why EPA believes that the proposed MBDS meets the site selection criteria are summarized below in terms of the 11 factors. Detailed information is presented in the EISs.

1. Geographical Position, Depth of Water, Bottom Topography, and Distance from Coast [40 CFR §228.6 (a)(1)].

The site's location, size, and distance from shore are discussed in Section II above. The sediment composition in Massachusetts Bay is dominated by heterogeneous sediments composed primarily of glacial till. The floor of Massachusetts Bay is characterized by outcroppings of bedrock interspersed with areas of cobble, gravel, and sand, with some of the deeper areas grading into fine mud with a high clay content. The MBDS is located within the northwestern corner of the Stellwagen Basin, an area dominated by fine silts and clays. Because of its depth, the basin is not significantly affected by waves and currents and is considered a low-energy environment. Consequently, dredged material which has been disposed there is likely to remain in the immediate area.

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult and Juvenile Phases [40 CFR §228.6(a)(2)].

Areas for breeding, spawning, nursery and/or passage of commercially and recreationally important finfish and shellfish species occur on a seasonal basis across the western shelf of the Gulf of Maine. Past disposal of dredged material at the site has not caused detectable, significant or irreversible adverse impacts on living marine resources.

Most species spawn during a period of several months, and over a wide geographical area. Species common to Massachusetts Bay include American plaice, silver hake, witch flounder, and Atlantic mackerel.

The present MBDS is located on the western edge of an apparent whale migratory corridor extending from George's Bank north to Jeffrey's Ledge. The proposed MBDS moves further west away from this corridor. The area directly east of the site appears to be used on a regular basis by both humpback and finback whales. Both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service have determined that designation of the MBDS will not jeopardize any threatened or endangered species.

Impacts of dredged material disposal on demersal fish at the site are expected to be restricted to temporary changes in abundance, numbers of species, mean size, and food preferences. It is unlikely that disposal activities will interfere with commercially valuable fish because of their motility and the limited area in which disposal and effects from such disposal occur. Two species of commercial fish that lay demersal eggs are not expected to

be adversely affected since the substrate and offshore locale of the site are not preferred spawning areas for these fish.

3. Location in Relation to Beaches and Other Amenity Areas [40 CFR §228.6 (a)(3)].

Use of the MBDS is not considered to have any potential for coastal impacts because the site is approximately 15 miles from the nearest beach and has a very low probability of resuspension. Distance from shore, water depth, and configuration of the basin are factors that minimize the possibility of dredged material reaching beaches or other amenity areas. Monitoring data from the existing site indicates that virtually all of the dredged material disposed at the site remains within the disposal area.

4. Types and Quantities of Wastes Proposed to be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Waste, if Any [40 CFR §228.6(a)(4)].

Dredged material released at approved sites must conform to the EPA's Ocean Dumping Criteria (40 CFR Part 227). Sediments presently being dredged from the Massachusetts coastal area are composed of fine sand, silt, and clay, and are similar in grain size to natural sediments in the central basin of the proposed disposal site. The dredged material is transported in bulk by a barge equipped with a bottom dump mechanism. Future dredging projects may contribute approximately three million cubic yards of dredged material to the MBDS in the next decade. EPA and the COE do not believe that volume or seasonal restrictions are currently necessary because significant adverse impacts have not resulted at the site from previous unrestricted open ocean disposal.

5. Feasibility of Surveillance and Monitoring [40 CFR §228.6(a)(5)].

A COE representative currently conducts on-board surveillance to ensure that disposal operations occur at the proper location. Site monitoring by EPA, the COE, and permittees will continue for as long as the site remains active. In order to detect any transport of dredged material outside the site, sediments will be monitored at the site and along transects of possible transport. Benthic communities will be monitored to detect any changes within or beyond the site.

Periodic body burden analyses of benthic invertebrates and fishes collected from the disposal site and bioassays will be used to determine whether dredged material disposal has adversely affected any marine resources. If evidence of significant adverse environmental effects is found, EPA and the COE will take appropriate steps to restrict or terminate dumping at the site.

6. Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction, and Velocity, if Any [40 CFR §228.6(a)(6)].

Current velocities range from 0 to 30 centimeters per second at the site. Currents are influenced by tides in a rotational manner, but net water movement is to the southeast. Since regional dredged material (primarily fine sand, silt, and clay) is cohesive, rapid settling of the released sediments should occur. Minimal horizontal mixing or vertical stratification of disposal materials is expected to occur, resulting in low suspended sediment concentrations.

Previous studies have demonstrated the relative immobility of dredged material at the site. Winds capable of causing resuspension at the site are rare.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) [40 CFR §228.6(a)(7)].

Several industrial and municipal discharges are located in Massachusetts Bay. Although the closest proposed discharge is approximately 13 nautical miles from the proposed MBDS boundary, it represents the closest point source discharge of pollutants. Because of the distance involved and dilution factors associated with mixing, discharges in Massachusetts Bay are not expected to have a measurable effect on the site.

Previous dredged material disposal at the existing site has not produced any significant adverse effects on sediment quality, water quality, or the marine resources. Changes in water quality as a result of disposal operations have been of short duration (minutes) and have been confined to small areas within the site boundary. Recent disposal of dredged material has produced minor localized and reversible impacts of smothering of the benthos, and possible temporary impacts on demersal fish. No major differences in finfish and/or shellfish species or numbers were found in recent surveys within and adjacent to the site.

Sediment collected by EPA and the COE from the disposal area in 1985, 1986, and 1987 contain higher levels of chromium, copper, lead, zinc, and polychlorinated biphenyls than do sediments at control stations several miles from the site. These higher trace metal and hydrocarbon concentrations probably reflect contaminants present in dredged material previously disposed at the site. However, concentrations of these contaminants at the site were not shown to cause any adverse ecological or human health effects. Trace metal concentrations in tissues of benthic organisms collected at the site were several orders of magnitude below FDA action levels and tolerance limits. Further, use of more sensitive test species than those used in the past may limit the levels of contaminants that may be in dredged material proposed for disposal in the ocean.

8. Interference with Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance, and Other Legitimate Uses of the Ocean [40 CFR §228.6(a)(8)].

Extensive shipping, fishing, recreational activities, and scientific investigations take place in Massachusetts Bay throughout the year. However, previous dredged material disposal operations are not known to have interfered with such activities. The Bureau of Land

Management has not announced plans to lease any areas on the nearshore Continental Shelf adjacent to the site for oil and gas exploration. Mineral extraction, desalination, and aquaculture activities do not presently occur near the site.

9. The Existing Water Quality and Ecology of the Site as Determined by Available Data or By Trend Assessment of Baseline Surveys [40 CFR §228.6(a)(9)].

Investigations of dredged material disposal operations at the site have not indicated that disposal has had any significant adverse effects on water quality (e.g., dissolved nutrients, trace metals, dissolved oxygen, or pH).

Diatoms, nanoplankton, and phytoflagellates are the major types of phytoplankton within the coastal areas of Massachusetts Bay, and their population dynamics are closely correlated with annual cycles of nutrients and light energy. Population cycles of zooplankton often are closely correlated with seasonal cycles of phytoplankton since many zooplankters use phytoplankton as food. Zooplankton numbers peak in July and October in the coastal areas of the Gulf of Maine.

The infaunal community at the disposal site is highly variable because of dredged material disposal. Each area is in a different stage of recovery. Some epibenthic invertebrates, primarily crustaceans, assorted shellfish, and sea stars, do occur at MBDS near the rocky surfaces. Many fish frequent the area, but several species of demersal fish, such as American plaice, dominate the population.

Site surveys have detected no significant differences in water quality or biological characteristics among areas within the site and adjacent reference areas. Therefore, dredged material disposal at the site does not appear to significantly alter water quality or marine ecology.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site [40 CFR §228.6(a)(10)].

There are no known components of dredged material or consequences of its disposal which would attract or result in recruitment or development of nuisance species at the site. Previous surveys at the site did not detect the development or recruitment of nuisance species, and the similarity of the dredged material with the existing sediments suggests that the development or recruitment of nuisance species is unlikely.

11. Existence At or In Close Proximity to the Site of Any Significant Natural or Cultural Features of Historical Importance [40 CFR §228.6(a)(11)].

The Massachusetts Board of Underwater Archeology reported that no known historical shipwrecks exist at or near the site.

IV. Monitoring Plan

Through its studies, EPA concluded that properly managed continued use of the MBDS will not result in significant unacceptable adverse impacts on the marine environment. EPA is also confident that environmental conditions at the MBDS will improve for several reasons. First, only dredged material that meets the requirements of the MPRSA and its accompanying regulations, as implemented by the national and regional testing protocols, will be allowed to be disposed at the MBDS. In particular, sediments that are allowed for ocean disposal are those that will not cause significant mortality or the potential to bioaccumulate contaminants in marine biota. If at any time, disposal operations at the site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. Second, capping will not be relied upon until the efficacy of capping at the MBDS has been effectively demonstrated. Capping is a measure intended to physically isolate contaminated sediments on the seabed from the marine environment. The viability of capping as a mitigation measure at the MBDS remains uncertain. The MCZM has reinforced this restriction by stating that disposal of contaminated sediments, under any circumstances, would not be consistent with MCZM policies. Therefore, in order to attain consistency with MCZM policies, EPA's designation expressly bars the disposal of such contaminated materials, even if they were to be capped. It should be noted that EPA's FEIS made clear that based on current information, EPA questions the efficacy of capping at a site such as the MBDS and believes that if capping pilot studies are proposed, they should utilize clean dredged material to ensure the protection of the marine environment in case of failure. It should also be noted that in order for capping to be allowed at the MBDS, an additional federal consistency review process must be initiated if the prohibition on capping is to be repealed. Specifically, the Massachusetts Executive Office of Environmental Affairs has indicated in a letter that should "...new data become available, it is possible to reopen the federal consistency review on this matter at some future date..." (see Appendix A). Third, tighter constraints on the disposal of dredged material have been imposed at the MBDS than have been used in the past for the interim designated MBDS. These constraints include: i) stricter requirements in the dredged material testing protocol, ii) relocation of the reference site to a cleaner area near Stellwagen Bank, iii) the requirement by the COE for disposal inspectors on every trip to the MBDS, and iv) the use of a taut-wire moored buoy. Moreover, by relocating the MBDS boundary, the eastern portion of the existing MBDS will remain pristine, while previously disposed dredged material can eventually be covered with newer, cleaner deposits. All of these considerations lead EPA to believe that conditions at the proposed MBDS will improve.

A monitoring program is necessary to continue to 1) establish baseline conditions at the disposal site, 2) evaluate potential impacts resulting from dredged material disposal, and 3) ensure that no unacceptable adverse effects have occurred. Site monitoring data is also used to assess whether management techniques at the site are adequate to mitigate any undesirable effects caused by dredged material disposal at the site.

EPA and the COE conduct annual monitoring surveys at the MBDS to determine dredged material distribution and movement, benthic organism colonization on dredged material, sediment chemistry, and bioaccumulation of contaminants in benthic organisms.

The COE's Disposal Area Monitoring System ("DAMOS") monitors ocean disposal sites in New England for physical, chemical, and biological effects and is considered the most advanced and comprehensive monitoring program of its kind in the nation. The COE's DAMOS program includes bathymetric surveys, side scan sonar, underwater photography, divers, sediment analyses, biological analyses, and submersible vessels.

Management authority of the MBDS will be a joint responsibility of EPA, Region I and the COE, New England Division. EPA and the COE have entered into a regional Memorandum of Understanding, which states that any site with final designation status "...shall be monitored on a regular basis by the COE to ensure that use of the site is not unreasonably degrading or endangering the marine environment or endangering human health...." The COE and EPA meet annually to determine the scope and extent of monitoring activities to be conducted. All practicable means to avoid or minimize environmental harm associated with ocean disposal of dredged material at the MBDS have been adopted. EPA remains committed to ensuring that adverse ecological or human health effects do not occur.

The type and amount of monitoring is primarily dependent on three factors - intensity of site use, the degree of concern about potential environmental effects, and availability of resources for funding and conducting such monitoring. Individual monitoring plans are governed by the current state of knowledge and the questions raised by it; specific monitoring plans should be flexible enough to respond to new questions, unexpected results, or available technology. Generally, EPA and the COE monitor characteristics such as movement of material, changes in sediment or water quality, benthic diversity, and bioaccumulation. Future monitoring of the MBDS is expected to be similar to that already described in the EISs and supporting documents. However, because of the need for specific monitoring plans to be responsive to new information as it is gathered and new questions as they are asked, it is not appropriate for EPA or the COE to commit now to a specific monitoring program for future years. As future monitoring plans are developed, EPA will make them available for public review.

V. Conclusion

Based on the information provided within the EISs and a review of the public comments received, EPA has determined that the MBDS at the modified location is a suitable alternative for the continued disposal of dredged material. The impacts of disposal at the site are predicted to be short-term, localized, and limited to a small area within the disposal site. The continued use of MBDS, as proposed, as a disposal site increases the effectiveness and safety of harbors, channels, and ports in the coastal Massachusetts area.

EPA has concluded that the proposed site is compatible with the general criteria and specific factors used during site evaluation. Designating a site other than the proposed site offers no clear environmental benefit or economic advantage. The MBDS has been previously used without any significant adverse effects to the marine ecosystem or human health and the proposed future use of the modified MBDS should have no such effects either.

EPA considers designation of the proposed MBDS the environmentally preferred alternative course of action. This is because, as discussed above, EPA believes that use of the proposed MBDS with the restrictions and monitoring described above should not result in any significant adverse effects on the marine environment. It is also environmentally preferred in the sense that the MBDS can only actually be used after an individual disposal permit determination is made which concludes that the proposed ocean dumping is an environmentally appropriate alternative as compared to other disposal alternatives and as measured by various environmental criteria (*see* 40 CFR Part 227).

APPENDIX A



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

(617) 727-9800

November 13, 1992

Ms Julie Belaga,
Executive Director
US Environmental Protection Agency
JFK Building WQE
Boston, MA 02203

Dear Ms Belaga:

Julie

The Massachusetts Coastal Zone Management (MCZM) Office is in the process of completing its federal consistency review of the Final Environmental Impact Statement (FEIS), July 1992 entitled, Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay. This is to reaffirm the MCZM requests that the U.S. Environmental Protection Agency (USEPA) agree in writing that only clean materials will be disposed at the Massachusetts Bay Disposal Site (MBDS). Should new data become available, it is possible to reopen federal consistency review on this matter at some future date. The MCZM Office will continue to work closely with the USEPA on this issue.

This request is explicit with respect to the commitment that only clean material be disposed at the MBDS and differs from the FEIS which permits the possibility of capping if this is proven to be feasible. The MCZM does not think that disposal of contaminated materials at this site should be permitted and reiterates the definition of clean as those sediments classified as Category I under state regulations, 314 CMR 9.00 or that satisfactorily pass the biological testing protocols as defined in the USEPA and U.S. Army Corps of Engineers (USACE) green book or the USEPA and USACE New England Division protocols. This definition is not meant to exclude future regulations and criteria that may be adopted to protect the ecosystem and human health.

As soon as MCZM receives your written agreement to specifying that only clean materials will be disposed at the MBDS, the MCZM Program can find the designation consistent with its policies.

Sincerely yours,

A handwritten signature in cursive script that reads "Susan F. Tierney".

Susan F. Tierney
Secretary



COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street

Boston, Massachusetts 02202

November 13, 1992

Julie Belaga, Regional Administrator
U.S. Environmental Protection Agency
J.F. Kennedy Federal Building
Boston, Massachusetts 02203

Re: Federal Consistency Determination: Designation of an
Ocean Dredged Material Disposal Site in Massachusetts
Bay.

Dear Ms. Belaga:

The Massachusetts Coastal Zone Management (MCZM) Office has completed its review of the Final Environmental Impact Statement for the Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay.

We agree with your consistency determination and find that the activity as proposed in the Final Environmental Impact Statement, dated July 1992, and modified by your letter of November 6, 1992, is consistent to the maximum extent practicable with the MCZM Program Policies. We acknowledge the November 6, 1992 letter as written agreement to our request to allow only clean dredged material to be disposed of at the MBDS and thus prohibit the disposal of contaminated dredged material, even if "capped", at that site. Our concurrence with this project is based on the agreement with your staff that such language is included in the MBDS Designation Record of Decision.

I appreciate your cooperation on this very important matter. The ability to successfully "cap" contaminated materials in deep ocean environments, like the MBDS, remains unproven at this time. The resources of Massachusetts Bay, Cape Cod Bay and Stellwagen Bank are valuable to all of us who enjoy them and we must do our best to ensure their long-term health.

If the above-referenced proposal, which has received this concurrence from MCZM, is modified in any manner or is noted to be having effects on the coastal zone or its uses that are substantially different than originally proposed, please submit an explanation of the nature of the change to this Office pursuant to 301 CMR 21.17 and 15 CFR 930.66.

Thank you for your continued cooperation. We look forward to joint state and federal cooperation in protecting and maintaining our natural resources.

Sincerely,


Jeffrey R. Benoit,
Director

JRB/JP

cc: Dave Fierra, USEPA
Richard Roe, NOAA/NMFS
Colonel Brink Miller, USACE
Ken Carr, USFWS
Peter Webber, MADEM
Daniel Greenbaum, MADEP
Alden Raine, MassPort
Richard Taylor, Secretary-EOTC
Steve Tocco, Secretary- EOE
Alix Ritchie, CCC

APPENDIX B



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

August 28, 1992

Ms. Ann Rodney
U.S. Environmental Protection Agency
Region I, WQE
JFK Federal Building
Boston, MA 02203-2211

RE: Final Environmental Impact Statement on the
Designation of an Ocean Dredged Material Disposal
Site in Massachusetts Bay (July 1992)

Dear Ms. Rodney:

The Sanctuaries and Reserves Division (SRD), within the Office of Ocean and Coastal Resource Management, has reviewed the above-referenced document with particular regard to the relationship of this action to the proposed Stellwagen Bank National Marine Sanctuary (SBNMS). Specific comments follow.

Final Boundary Configuration for the Massachusetts Bay Disposal Site (MBDS)

EPA proposes to designate a two-nautical-mile circular area slightly southwest of the current "interim" MBDS, within the Northern Massachusetts Bay portion of EPA's Zone of Siting Feasibility (ZSF). Among the factors identified as advantages of this boundary option is the fact that there will be no overlap of disposal site with marine sanctuary boundaries. NOAA/SRD is in agreement with EPA's decision to not designate a dredged material disposal site within (or partially within) the proposed marine sanctuary. Ocean disposal of dredged materials within a designated marine sanctuary is generally not compatible with the purposes of sanctuary designation, or with the policies of Title III; nor is it compatible with appropriate implementation of Title I. The latter statute is clear regarding the avoidance of potential environmental harm to sensitive marine resources or areas (such as national marine sanctuaries) resulting from disposal activities.

On this particular point, Title I regulations (at 40 CFR Part 228.10) discuss the required evaluation of disposal impacts, and specifically define impact categories. It is clear from the regulatory language (at Part 228.10(c)(1)(i)) that upon final designation of the Stellwagen Bank National Marine Sanctuary, the MBDS will become an "Impact Category I Site", based on its proximity to the Sanctuary. NOAA/SRD agrees with EPA's statements on page 22 that identification of the MBDS as an "Impact Category I Site" will require the imposition of "limitations on the use of the site, as are necessary ... to reduce the impacts to acceptable levels."



Effect of Title III Upon Disposal Activities at MBDS

While Title III does not give NOAA the authority to terminate existing valid permits, activities occurring pursuant to such permit are nonetheless subject to NOAA certification and possible additional conditions or restrictions in order to protect Sanctuary resources or qualities. Throughout the designation process for the proposed Stellwagen Bank National Marine Sanctuary, NOAA/SRD has consistently stated this authority.

Proposed regulations for the Stellwagen Bank National Marine Sanctuary also prohibit discharges or desposits (e.g., disposal activities) occurring outside the Sanctuary's boundary if they result in entry and injury to Sanctuary resources or qualities.

Although the MBDS boundary is being moved slightly southwest of the "interim" MBDS, there are no plans to move the disposal buoy from its present location. As stated at page 77, the disposal site boundary delineates the area within which disposed dredged materials must be contained. EPA has stated that the results of numerous research and monitoring activities indicate that dredged materials disposed at the MBDS do not migrate out of the MBDS, and thus do not enter the proposed Sanctuary. While NOAA recognizes the lengthy experience of both EPA and the Corps of Engineers in management of open ocean disposal activities, it suggests that EPA move the buoy to a location within the MBDS further away from the Sanctuary. NOAA/SRD also requests its involvement in the disposal permit application review process.

Management of Contaminated Sediment

On the point of contaminated sediment disposal followed by capping at the MBDS, NOAA agrees with EPA that such materials (which do not meet EPA criteria for open ocean disposal) should not be permitted for disposal at MBDS, and would strongly object to any disposal of contaminated sediments adjacent to the Stellwagen Bank National Marine Sanctuary. Moreover, such materials should not be considered for disposal into any coastal waters. NOAA agrees with EPA (page 59) that at a minimum, any demonstration capping project must only be permitted for conduct with uncontaminated materials. Final designation of the MBDS is premised upon projected future use of the site for disposal of dredged materials which meet EPA criteria for open ocean disposal. To consider disposal activities which do not meet these criteria undermines the integrity of this designation process.

NOAA/SRD appreciates the opportunity to review this FEIS document. If you have any questions regarding these comments, please contact Ms. Sherrard C. Foster at (202) 606-4122.

Sincerely,

William Harrigan

for William Harrigan
Acting Chief
Sanctuaries and Reserves
Division

cc: N/CSEC
F/NEO3
N/GCOS
MA/EOEA



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Region
Habitat and Protected Resources
Division
One Blackburn Drive
Gloucester, MA 01930-2298

August 28, 1992

Julie Belaga
Attn: Ann Rodney
U.S. Environmental Protection Agency
Region I, WQE
JFK Federal Building
Boston, MA 02203

SEP 11 1992

Dear Ms. Belaga:

NOAA/National Marine Fisheries Service submits the attached comments on the **"Final Environmental Impact Statement (EIS): Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay"**.

NOAA/NMFS looks forward to continued dialog on the impacts of the preferred action on our trust resources. We have lingering concerns about protected species and their habitats, fisheries, contamination, and hazardous materials.

Please call me if you wish to discuss our comments.

Respectfully,

Thomas E. Bigford
Division Chief

enclosures



August 28, 1992

**NOAA/NMFS COMMENTS ON EPA'S PROPOSED DESIGNATION
OF AN OCEAN DREDGED MATERIAL DISPOSAL SITE
IN MASSACHUSETTS BAY**

NOAA's National Marine Fisheries Service has submitted extensive comments to EPA Region I on this subject since July 24, 1986. We have also coordinated with your office outside regular NEPA channels. Throughout the NEPA process, our central concerns have been whether the MBDS can be effectively managed as a containment site, whether NOAA's public trust resources will be affected, and whether our protected species concerns can be adequately addressed. For those and other issues, we appreciated the opportunity to work as a cooperating agency on the EIS.

Most of the NOAA/NMFS comments and others from NOAA's National Ocean Service are reproduced in the FEIS dated July 1992. However, we noticed that our September 12, 1990, comments on the Supplemental DEIS are not reproduced in the FEIS. We are concerned that our comments might not be addressed in the final document.

We were encouraged to read under comment number 3.9.2.2 that EPA recognizes the uncertainties associated with capping in deeper waters. We agree that the questions raised on page 58 of the FEIS need to be resolved before capping can be considered as a method to sequester contaminated materials from marine life. NOAA/NMFS agrees with EPA's position (stated on page 59) that any pilot capping studies must be conducted with uncontaminated dredged material. We also must reiterate our longstanding position that the proposed designation is only for clean materials.

On a closely related issue, please recall that the biological opinion completed by NOAA/NMFS for MBDS designation (reproduced in Appendix C) was only for disposal of uncontaminated materials. Before the site can be used for other materials the Endangered Species Act section 7 consultation process must be reinitiated. We have reminded EPA and Corps offices that there must also be a section 7 consultation on each disposal permit to ensure that the testing protocol results and new information are adequately factored into each disposal operation.

We noted that the FEIS references the conservation measures included in the NOAA/NMFS biological opinion on designation. Several of those measures (see text on page 26 of the biological opinion) are closely related to proposed NOAA/NMFS regulations on vessels approaching near marine mammals. A proposed rule was published in the Federal Register on August 3, 1992. If adopted, these regulations will apply to all vessels using the disposal site.

Comment number 3.4.2 responds to questions about overfishing near the proposed disposal site. We agree that the proposed action is unrelated to overfishing and that EPA needn't address that resource management problem in the EIS. Accordingly, we wonder why EPA would choose a site designation FEIS to editorialize that ". . . an assessment of whether current regulations have demonstrated an effectiveness in addressing any reductions in stock as a result of concentrated fishing effort in this area is needed . . ."

The preferred boundaries for the MBDS (i.e., the "southwest" circle overlapping with the Industrial Waste Site and historic dredged material disposal site) probably include areas formerly used for chemical and nuclear waste disposal. EPA, NOAA, and other cruises over the past several years have confirmed the existence of drums, barrels, and cannisters. Unfortunately those studies do not provide a complete picture of possible contamination. We are wary of plans to dispose any materials over a site of unknown contamination. We are also aware that agency attorneys are evaluating how formal designation may affect federal liability for such contamination.



DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
424 TRAPELO ROAD
WALTHAM, MASSACHUSETTS 02254-9149

REPLY TO
ATTENTION OF

August 28, 1992

Regulatory Division

Ms. Anne Rodney
Environmental Protection Agency
WQE
JFK Federal Building
Boston, MA 02203

Dear Ms. Rodney:

The New England Division, U. S. Army Corps of Engineers (NED) fully endorses the final designation of the Massachusetts Bay Disposal Site (MBDS) as an ocean disposal site alternative for dredged sediments.

The Final EIS, Response to Comments provides conflicting statements with regard to the appropriate decision-making documents for the management of contaminated sediments. NED agrees with your statements that decisions on the evaluation and management of dredged sediments will be made in accordance with the Marine Protection, Research and Sanctuaries Act and the Ocean Dumping Regulations. NED disagrees with the statements that the testing protocol is the document on which to base final decisions on disposal management. The testing protocol is a tool under the law and regulations to assess potential biological effects, as one factor to be considered in overall disposal management.

The New England Division continues to believe that management of dredged sediments through capping is a feasible alternative that should be considered in any project specific alternatives analysis. We will continue to work with EPA to answer the remaining technical concerns that the agency has raised.

Sincerely,

A handwritten signature in cursive script, appearing to read "William F. Lawless", is written over a horizontal line.

William F. Lawless, P.E.
Chief, Regulatory Division
Operations Directorate



United States Department of the Interior



FISH AND WILDLIFE SERVICE
400 RALPH PILL MARKETPLACE
22 BRIDGE STREET
CONCORD, NEW HAMPSHIRE 03301-4901

August 18, 1992

Mr. David A. Fierra
Water Management Division
U.S. Environmental Protection Agency
JFK Federal Building
Boston, Massachusetts 02202-2211

Dear Mr. Fierra:

This is in response to EPA's July 14, 1992 proposal to grant final site designation to the Massachusetts Bay Disposal Site (MBDS) - SW for use as a dredge material disposal site in accordance with the Marine Protection Research and Sanctuaries Act of 1972, 33 U.S.C. 1401 et seq., and implementing regulations in 40 CFR Parts 227 and 228.

During the past several years, we have had fairly extensive coordination with EPA regarding the site designation process for the MBDS. Two major issues have consumed much of our interagency coordination efforts. These have involved concerns associated with the dredged material testing protocol and the subject of designating only one site for dredge material disposal as opposed to two or more sites with the intent that the sites be specifically designated for disposal of clean and contaminated materials, respectively.

As you are aware, much progress has been made on the dredge material testing protocol. The 1989 interagency testing protocol and recent refinements such as the relocation of the reference site at MBDS to a cleaner location have helped to resolve or minimize many of our past differences with the dredge material testing issue.

However, we still remain uncomfortable with the current proposal to grant final site designation to the MBDS. Our reasons relate to the past practice of utilizing the site for disposal of dredge material regardless of its quality. We continue to believe the EPA should designate separate sites for the disposal of clean and contaminated dredge material or withhold designation until state or other management plans are in place to handle the contaminated material in an environmentally acceptable manner. Under the current scenario, large projects such as the Boston Harbor navigation project and adjacent state/private berthing areas are proposing to dispose over 700,000 cubic yards of contaminated material at the MBDS. This would be "capped" with approximately 2 million cubic yards of parent material consisting of glacial till and blue clay. Numerous other smaller projects would also contemplate utilizing this scenario in the future after site designation is complete and the precedent firmly established for a large federal/state/private dredging project.

As you know, we have repeatedly raised the issue of incremental toxics loadings and related effects resulting from disposing contaminated material at this deep water site. Our contention has been and remains that disposal of contaminated material at this site is a method, albeit unintentional, of disbursing unknown quantities of the contaminant load to the Massachusetts Bay environs. In recent years, your office has raised questions that are similar and perhaps more extensive than ours regarding the Corps proposal to dispose Boston Harbor dredge materials that are unacceptable for unrestricted open water disposal at the MBDS.

Recently, we were advised by the Corps that they intended to challenge one of the fundamental assertions that EPA has utilized during the site designation process. Specifically, EPA's April 27, 1992 letter to Colonel Hughes, New England Division stated that it was EPA's belief that EPA ocean dumping criteria and Section 103 of the MPRSA would effectively prohibit the disposal of contaminated sediments from Boston Harbor at MBDS. We understand that NED is in the process of preparing a response to EPA outlining the authority under MPRSA and implementing regulations that would authorize the disposal of contaminated sediments from Boston Harbor at MBDS. The Corps contends that this posture by EPA Region I could have national implications for disposal of dredge material.

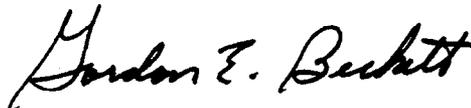
This issue is of great importance to us because we have been assuming that agencies and/or applicants would attempt to find ways to keep past disposal practices alive at the MBDS. That is, we have contended throughout this designation process that agencies/applicants would utilize capping or some other disposal management technique to continue the practice of disposing contaminated material at the MBDS. EPA, on the other hand, has contended that only those dredge materials that meet the criteria and standards in ocean dumping regulations will be allowed and the alternatives analysis conducted by EPA was based on this assumption. Whether right or wrong, the entire site designation process that has been conducted to date has been based on the premise that only dredge material that meets the ocean dumping criteria will be allowed at the MBDS. Now that EPA is the final designation process, one of the fundamental premises of the Agency is being challenged. If the Corps prevails with its legal interpretation, then the environmental analysis that EPA has used to support site designation will be faulty because the evaluations would need, as we have been contending, to be based on the disposal of contaminated material such as is proposed for disposal by the Corps from Boston Harbor.

We believe EPA will be required to suspend the final site designation process if the Corps interpretation on these legal issues prevails and prepare a revised or supplemental final site designation document. In any event, if the Corps interpretation of this legal issue prevails, we recommend that the final site designation be held in abeyance pending the completion of a revised or supplemental FEIS and required agency consultations. These additional processes will be necessary to evaluate the effects of contaminant loading on living resources and physical habitat of Massachusetts Bay environs affected by disposal events at MBDS and to revisit the alternatives analysis.

However, if EPA's interpretation prevails, the Service will accept the July 14, 1992 final designation document based on the understanding that dredge material that fails to meet the ocean dumping criteria including bioassay and bioaccumulation or other biological testing will be excluded from MBDS. Additionally, we understand that capping and other unspecified management measures will not be utilized to make otherwise unacceptable dredge material meet the criteria for disposal at MBDS.

Questions concerning this letter should be directed to Mr. Vern Lang of this office at 603-225-1411.

Sincerely yours,

A handwritten signature in cursive script that reads "Gordon E. Beckett". The signature is written in dark ink and is positioned above the typed name and title.

Gordon E. Beckett
Supervisor
New England Field Office

CC: RO/FWE Reading File
K. Keckler, EPA
T. Fredette, NED
P. Jackson, NED
C. Mantzaris, NMFS
S. Foster, NOAA
J. Pederson, MACZM
A. Raine, MassPort
L. Bridges, MA DMF
E. Dorsey, CLF
FWE: VLang:jd:8-18-92:834-4411



Kim Leckler

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health

150 Tremont Street

Boston 02111

William F. Weld
Governor

David P. Forsberg
Secretary

David H. Mulligan
Commissioner

August 28, 1992

Julie D. Belaga
Regional Administrator
US EPA, Region I
JFK Federal Building
Boston, MA 02203

RE: Final Environmental Impact Statement
for Designation of an Ocean Dredged
Material Disposal Site in Massachusetts
Bay

Dear Ms. Belaga:

The attached comments on the Final Environmental Impact Statement of the Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay focus upon three areas of concern: (1) the conclusion as to public health risk has been drawn from insufficient data, (2) the proposed monitoring plan is too vague and a research design team including state agencies should be established to provide the needed specificity and (3) the proposed Automated Dredging and Disposal Alternative Management System (ADDAMS) model should be verified by measurements during actual disposal.

We viewed the preparation of this document as an excellent opportunity for EPA to review the toxic effect on fish and subsequently on human health resulting from the contaminants in the Industrial Waste Site and the Massachusetts Bay Dredged Material Disposal Site. We agree with the Monitoring Data Result Section of the document that a sufficient number of samples were not analyzed to be conclusive. The data limitations make it difficult to conclude that there are no unacceptable adverse health risks from eating seafood harvested from the MBDS.

We look forward to seeing the Proposed Rule Making. If you have any questions concerning these comments, do not hesitate to contact Elizabeth Bourque at 727-2670.

Sincerely,

Nancy Ridley

Nancy Ridley, M.S.

Director,

Bureau of Environmental Monitoring

FINAL ENVIRONMENTAL IMPACT STATEMENT: DESIGNATION OF AN OCEAN DREDGED MATERIAL DISPOSAL SITE IN MASSACHUSETTS BAY, JULY 14, 1992

Comments of the Department of Public Health, Bureau of Environmental Monitoring focus on three points of concern with the Final Environmental Impact Statement for Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay (MBDS).

1. CHEMICAL CONTAMINATION IN AQUATIC ORGANISMS AT THE MASSACHUSETTS BAY DISPOSAL SITE

Insufficient sample data was analyzed to perform a health risk assessment for an area three nautical miles in diameter (considers overlapping of IWS and MBDS).

A. Samples Collected:

Only slightly over one hundred total samples were collected. These included 20 winter flounder, 1 yellowtail flounder, 41 American plaice, 9 lobster, 2 ocean quahogs and 44 sea scallops of which 8 were collected at Georges' Bank. Of these, ten American plaice samples were unavailable for analyses and there is no weight nor length given for any of the American plaice or the one yellowtail flounder to allow one to estimate whether this was a random sample or a sample of large or small fish. No data is available on the size of the lobsters, sea scallops nor ocean quahogs.

B. Sample Tissue Analysis:

It appears that only three winter flounder samples, (muscle and liver); five American plaice (muscle and liver); three lobsters (muscle and hepatopancreas) one ocean quahog and thirteen scallops were analyzed. This is not a sufficient data base upon which to calculate a risk assessment for a fishing area.

2. PROPOSED MONITORING PLAN

Annual monitoring surveys are proposed by EPA at the MBDS and EPA proposes to share specific monitoring plans with the Dredged Material Task Force as they become available. The present scenario has two limitations:

A. Research Design Team:

Although the present protocols are to be shared with a Task Force, they should be developed by a research design team working with EPA to plan the monitoring. The idea of a research design team was proposed by Peter F. Guerrero, Associate Director of Environmental Protection Issues of the General Accounting Office, in testimony on November 4, 1991 before the Subcommittee on Fisheries and Wildlife in Boston. Mr. Guerrero suggested a research design team that includes experts from other agencies and representatives from local environmental organizations to strengthen EPA's credibility. We strongly support this recommendation.

B. List of Contaminants to be Monitored:

There is no specific plan as to what chemicals and species are to be monitored. There is a generic list of organisms and chemicals and it is clearly stated that inclusion in this list does not mean that EPA plans to collect all these organisms and measure all these constituents in water, sediment and tissue. The monitoring language is too vague. It is not clear what testing will be performed nor the frequency of sampling. In order to have an efficient monitoring program, a protocol with the essential constituents is needed. An illustration of the necessity of reviewing the protocol is the plan to collect American plaice in the size range of ten to twenty centimeters. It is not clear why such small fish in the range of four to eight inches would be collected.

3. WATER QUALITY EXCEEDANCE

EPA plans to use the Automated Dredging and Disposal Alternatives Management System, (ADDAMS) model to calculate water column concentrations. It appears that the model does not take into account cumulative disposals that occur less than four hours after the previous disposal. The ADDAMS model should be verified with actual monitoring at the site.

178:eab
mbds92-2



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

August 18, 1992

Ann Rodney
U.S. EPA Region I, WQE
JFK Federal Building
Boston, MA 02203

Dear Ms Rodney:

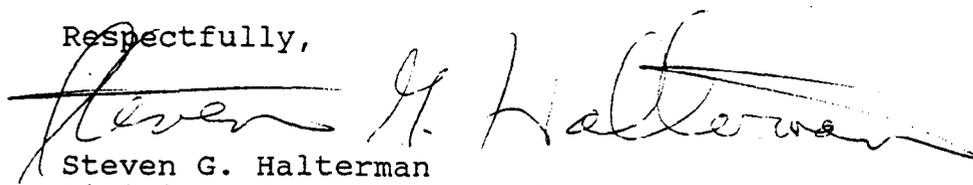
I would like to comment on the selection of the recommended location of the Mass Bay Disposal Site, as described in the Final Environmental Impact Statement. My first impression was that the selected location was satisfactory (if, for whatever reason, it is necessary to locate the site in Massachusetts Bay). However, considering the EIS in light of the findings presented in a report entitled Contaminant Transport and Accumulation in Massachusetts Bay and Boston Harbor: A Summary of U.S. Geological Survey Studies (U.S. Geological Survey Open-File Report 92-202, Woods Hole, Mass., February 1992) has prompted the following thoughts and questions.

Reportedly, one of the advantages of overlapping the selected site with the old site is that impacts will be confined to a historically used area (where contaminated sediments have been identified). It struck me as odd that the chemical analyses of the sediments indicated very low concentrations of contaminants (parts per billion range). Either the sampling efforts missed the contaminated sediments, or the material that has historically been dumped there has migrated off the site (or possibly only a small portion of the material "settled" within in the site at the time it was dumped).

The USGS report cited above presents data on a dominant, non-tidal current that enters Northern Mass bay (from the Gulf of Maine) near Cape Ann, and flows in a southwest direction into the waters off Scituate, then flows Southward, circulating counter clockwise through Cape Cod Bay and then out of the Bay near Race Point. It appears that the Disposal Site lies in the path of this current. If this is the case, and if the currents are strong enough to significantly impact the sediment transport in and around the site, the choice of the site should be reconsidered. I suggest that the authors of the report be requested to review the EIS in light of their findings. If it is determined that the currents are a threat to the beneficial use of the site, it is my recommendation that the site be re-located.

Thank you for the opportunity to comment on the Project.

Respectfully,

A handwritten signature in cursive script, appearing to read "Steven G. Halterman". The signature is written in dark ink and is positioned above the typed name.

Steven G. Halterman
Division of Water Pollution Control
Marine Program

cc: A. O'Donnell
B. Donahoe
R. Isaac
J. Bennoit (CZM)



PHILIP G. COATES
DIRECTOR

The Commonwealth of Massachusetts

Division of Marine Fisheries
Leverett Saltonstall State Office Building
100 Cambridge Street
Boston, Massachusetts 02202

Carol K
Kym K
727-3193

August 27, 1992

Mr. David Fierra
Water Management Division
U.S. Environmental Protection Agency
JFK Federal Building
Boston MA 02202 2211

Dear Mr. Fierra:

The Division has reviewed the FEIS: "Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay". We understand that the designation will be in accordance with the "Marine Protection Research and Sanctuaries Acts of 1972".

From our understanding of the report, site designation will preclude further contaminated spoil dispersal at the MBDS site with no practical alternative for polluted spoil disposal currently available. Capping is not a proven technology at MBDS. Confined Disposal Facilities are not a reasonable alternative in the immediate future, and land disposal sites are not available in sufficient size or volume to meet the long term needs for the area. The Boston Harbor navigation project will require disposal of 700,000 cubic yards of contaminated material. Disposal sites will be needed for approximately 15,000,000 cu yards in the next 50 years.

In view of these circumstances and in the absence of a Contaminated Dredge Material Plan, options for contaminated spoil disposal appear to be limited to (1) continued open water disposal at the MBDS, (2) establishing shallow sites inshore, (3) new open water sites or (4) no project.

The efficacy of establishing inshore shallow water sites is unknown. Environmental impacts may be greater inshore than offshore. Until such time as a suitable alternative exists, the continued disposal of contaminated spoil should be allowed at the MBDS on a case by case basis.

Sincerely yours,

Philip G. Coates
for Philip G. Coates
Director

cc: Judy Pederson, CZM

SEP 1 1992



City of Boston
The Environment
Department

Raymond L. Flynn
Mayor

Lorraine M. Downey
Director

Boston City Hall/Room 805
Boston, Massachusetts 02201
617-725-4416 or 725-3850

July 24, 1992

Ms. Kymberlee Keckler
United States EPA Region 1
JFK Federal Building (WQE-425)
Boston, MA 02203-2211

RE: FEIS for Designation of the Mass. Bay Disposal Site

Dear Ms. Keckler:

The City of Boston Environment Department has reviewed the Final Environmental Impact Statement referenced above and hereby offers the following comments in response thereto:

The City of Boston does not oppose designation of MBDS for receipt of clean dredged materials, but harbors reservations about the nature of oversight which will be given to the MBDS to ensure that only clean materials are deposited there. The City is especially concerned about potential impacts of MBDS use on the ecologically and commercially important Stellwagen Bank just to the east. The EPA must commit to thorough and frequent monitoring of pollutant levels both in the MBDS and in adjacent areas of Stellwagen Bank. The FEIS does not include enough discussion on what steps will be taken in the event that transport of sediments or pollutants outside the MBDS boundaries is found to be taking place. Indeed, one suggestion made in the FEIS proposes moving the MBDS boundaries to follow the travelling sediments (p.89). Redefining a problem to be a non-problem, however, will not change the potentially adverse impacts created by sediment migration.

The FEIS resists the suggestion that NOAA be given veto power over disposal activities at MBDS, claiming that this would create too much bureaucracy. However, the official involvement of NOAA in the permitting process may help ensure that if disposal activities are found to impact Stellwagen Bank, then NOAA will have an effective mechanism for preventing future degradation.

The FEIS defers discussion of the management of existing contamination at the Industrial Waste Site to a separate study. However, it should have been included in the FEIS, since the problem of past practices and future use of the area are inescapably interconnected.

In general, the City of Boston recognizes the importance of keeping dredged material disposal options open, and thus does not object to the designation of an ocean disposal site in Massachusetts Bay. However, the City will continue to insist on the closest oversight and monitoring of any ocean dumping site, even with assurances that only "clean" materials are being dumped. The FEIS currently under review leaves City reviewers with some misgivings about future management of the MBDS; however, these doubts can be overcome if enough input is received from other agencies; if environmental impacts both within and outside the designated dumping area are given continued and intense scrutiny; and if provisions for further restrictions on dumping are developed and (if it proves necessary) implemented.

I thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "L.M. Downey". The signature is written in dark ink and is positioned above the typed name and title.

L.M. Downey
Director

LMD/AP:ap



August 24, 1992

Ms. Julie Belaga
Regional Administrator
U.S. Environmental Protection Agency
John F. Kennedy Federal Building
Boston, MA 02203-2211

Dear Ms. Belaga:

We at Massport have reviewed the Final Environmental Impact Statement on Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay, and we are offering our comments.

On the whole, the FEIS is well-balanced and provides a thorough response to the comments received on the DEIS. We concur with EPA's judgment that the Mass Bay Disposal Site (MBDS) should be kept open for the disposal of dredged material, and that it can be kept open without endangering water quality. With regard to assessing water quality impacts, we support the conservative method employed to deal with water quality problems.

Massport concurs with your support for the National Oceanic and Atmosphere Administration's (NOAA) proposed designation of a Stellwagen National Marine Sanctuary. Your support for shifting the boundary of the MBDS to concur with NOAA's proposed boundary is both reasonable and desirable. That way there will be no encroachment of the MBDS site on the proposed Stellwagen Bank National Marine Sanctuary. We also agree that given the water quality studies conducted and the conservative assumptions used in those studies, that there is no need for an extensive buffer zone between the MBDS and the proposed boundary for the National Marine Sanctuary.

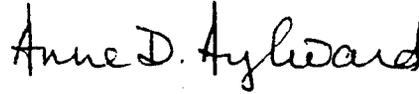
The disposal of dredged materials is a great concern to Massport, so your recommendations are timely and significant. The balancing of environmental goals with maritime needs is critical. Thus, Massport supports your view that the designation of Stellwagen Bank as a National Marine Sanctuary and the re-designation of the Mass Bay Disposal Site are compatible.

In order to balance environmental goals and maritime needs, there needs to be a thorough alternative analysis for possible ways to dispose of dredged materials, especially those materials that are unsuitable for uncapped deepwater ocean disposal. The range of alternatives need to include upland, near shore, well as ocean disposal, with a full investigation of the environmental and economic impacts, as well as the issues of public acceptability. We are undertaking such an analysis in our work with the US Army Corps of Engineers on the Boston Harbor Navigation Improvement Project.

Ms. Julie Belaga
August 24, 1992
Page Two

We thank you for the opportunity to comment on your document and appreciate your efforts.

Sincerely,



Anne D. Aylward
Maritime Director

4399M

cc: Kimberlee Keckler
US EPA Region I
JFK Federal Building (WQE - 425)
Boston, MA 02203-2211



Kyger 16

Association for the Preservation of Cape Cod, Inc.

P. O. Box 636
Orleans, Massachusetts 02653

508-255-4142

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Biologist, Chairman

Dr. Bernard E. Bartels
Physical Chemist

Dr. D.W. Caldwell
Geologist/Hydrologist

Dr. Graham S. Giese
Coastal Geologist

Dr. Francis R. Hall
Hydrologist

Dr. Norton H. Nickerson
Biologist

Dr. Peter H. Rien
Limnologist

Dr. Raymond Siever
Geochemist

Dr. Michael Soukup
Limnologist

Dr. Arthur N. Strabler
Geologist

Dr. John M. Teal
Marine Ecologist

Dr. Herbert E. Whitlock
Physical Chemist

October 5, 1992

007 1992

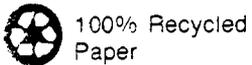
Ms. Julie Belaga
U. S. EPA, Region 1
John F. Kennedy Federal Bldg.
Boston, MA 02203

Dear Ms. Belaga:

Following are the comments of the Association for the Preservation of Cape Cod (APCC) regarding the designation of an ocean dredge disposal spoil site in Massachusetts Bay.

1. APCC does not view ocean disposal as a long term solution to dredge spoil disposal needs, and urges both EPA and EOEA to adopt such a position. The permanent designation of the Mass Bays Disposal Site as a disposal area virtually guarantees indefinite and frequent use as the criterion of "no practicable alternative" is easy to demonstrate, given the constraints on disposal alternatives in the greater Boston area. Land disposal alternatives must be developed in conjunction with detoxification technologies for dredge spoils.
2. EPA plans to designate the disposal site based on navigational and economic needs. APCC suggests that the true cost of dredge spoil disposal is not reflected in the proposed plan in that the cost of reversing environmental damage that may result from improper disposal at this site, or from other adverse effects of disposal, has not been factored in to the decision. APCC recommends a cost/benefit analysis of the proposal taking in to consideration the cost of dealing with a range of possible environmental problems resulting from improper disposal, including adverse impacts on Stellwagen Bank resources.
3. APCC urges that if the designation of the MBDS goes forward, that a comprehensive monitoring program be coordinated with the regional monitoring effort currently in the planning stages at EOEA.
4. APCC supports the comments of the Center for Coastal Studies, particularly regarding the location of MBDS next to, but not in, the Stellwagen Bank National Marine Sanctuary. This is a matter of grave concern as the burden of proof of adverse impacts on Sanctuary resources rests with the National Oceanic and Atmospheric Administration, rather than with the Army Corps of Engineers to show otherwise. APCC urges EPA to resolve this issue to give NOAA the jurisdiction it needs.
5. APCC also supports the concern expressed by the Cape Cod Commission with regard to the adequacy of the Endangered Species Act Section 7 review of the operation of the MBDS, as opposed to its designation. This matter must be addressed by EPA.

001 1992



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Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Nickerson".

Susan L. Nickerson
Executive Director

cc: Jeff Benoit, Mass. CZM Office
Alix Ritchie, Cape Cod Commission
Russell DeConti, Center for Coastal Studies



Ann Rodney
U.S. EPA Region 1,
WQE,
JFK Federal Building
Boston, MA 02203

August 25, 1992

Dear Ms. Rodney:

I am writing to you on behalf of the 250,000 members of the International Wildlife Coalition, and as a member of the Stellwagen Bank Coalition, to comment on the Final Environmental Impact Statement for a dredged material disposal site in Massachusetts Bay.

To begin, we would like to note that while most of the comments on earlier versions of the EIS have received responses from the EPA in the current document, many of those responses were neither germane nor complete. To cite just one example: Concerns about the potential impact on Massachusetts commercial fisheries of a permanent designation of the dump site yielded the following response (on page 28): "The maximum potential catch value for all species caught in the MBDS is about \$21,320 per year," the loss or diminution of which, it continues, would present no significant economic impact.

This is a disingenuous and obfuscatory response to a very important concern shared by fishermen, consumers, and environmental advocates. It is only one example of how inadequately this EIS addresses the questions it is supposed to confront.

With the issuance of the FEIS, our fundamental objections to the designation of the MBDS as a permanent repository for dredge spoils remain. They are:

- The EPA has not given sufficient consideration to alternative options for dredge spoil disposal. Marine biology and toxicology are considerably more sophisticated now than they were earlier in this century, when this site was originally chosen.

As the Massachusetts Audubon Society noted in their 1989 letter on a draft of the EIS, "If the present MBDS did not already exist, it is likely that it would not be considered as an appropriate site for future dumping." Its proximity to Stellwagen Bank, to the seasonal habitat of several endangered species, and to the Foul Area should have led EPA to seriously investigate other, more suitable sites.

- The present MBDS is located too close to Stellwagen Bank, and to the proposed Stellwagen Bank Marine Sanctuary, to make it an appropriate site for dredge spoils dumping. This area will be receiving designation as a marine sanctuary because of its biological and commercial productivity -- it is simply not logical to designate a potentially damaging dump site nearby. The EPA should choose a site that is more environmentally sound for the permanent dredge disposal site, and should conduct a sanctuary program review of any site that's located in Massachusetts Bay.
- The sediments waiting to be dredged from Boston Harbor are among the most contaminated in the country. EPA cannot risk opening a permanent disposal site near Stellwagen Bank that might become a repository for dredge spoils contaminated with heavy metals and toxic compounds. Although any designation of the site is purportedly to be for "clean spoils" only, we find it disturbing that the Army Corps of Engineers is still considering the disposal and "capping" of contaminated materials at this site. Without another site available for contaminated spoils, the EPA must not designate a site this close to Stellwagen Bank for ocean disposal of sediments.

Thank you for your consideration of these comments.



Mary Lou Jordan
Program Coordinator
International Wildlife Coalition



MARINE MAMMAL CONSERVATION PROGRAM

2 Vestal Street, Nantucket, MA 02554

August 24, 1992

Ann Rodney
US EPA Region 1, WQE
JFK Building
Boston, MA 02203

Dear Ms. Rodney:

For the following reasons, I am writing to oppose the dumping of dredge spoil from the Boston and Massachusetts Bay area at a disposal site less than a mile from the boundary of the proposed Stellwagen Bank National Marine Sanctuary:

1) The sediments that will be dredged from Boston Harbor are some of the most toxic in the country. They are heavily polluted with PCBs and heavy metals.

2) Stellwagen Bank is the feeding ground of endangered species of great whales, as well as many kinds of fish. These animals are the basis for the multi-million dollar whale watching and fishing industries in Massachusetts.

3) The EPA should not run the risk of opening a disposal site near Stellwagen Bank that may become an option for dumping any contaminated material.

4) EPA should also prohibit any capping at an open ocean disposal site.

5) There is not enough information available at present to make a wise decision about where dredge spoil should go. EPA should not authorize disposal of the spoils before a more environmentally sound site can be found.

6. All consideration for protection from pollution should be given Stellwagen Bank Marine Sanctuary. Any future disposal site in Massachusetts Bay should have sanctuary program review of dumping permits.

We have been assisting in the founding of Stellwagen Bank National Marine Sanctuary for some years and are keeping the people of Nantucket informed of its progress. We will continue to follow the work of EPA in connection with any issue involving the proposed sanctuary, and hope that you can find a suitable solution to dredge spoil disposal.

Sincerely,


Jean Rioux
Program Director



Cetacean Research Unit



Ms. Ann Rodney
US EPA Region 1, WQE
JFK Federal Building
Boston MA 02203

August 28, 1992

Dear Ms. Rodney,

Thank you for the opportunity to comment on the Final Environmental Impact Statement entitled "Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay." We appreciate some of the responses to our earlier comments, but feel that there are several points that need to be made regarding the proposed action by the EPA.

In brief, the Cetacean Research Unit feels that: a) the document does not explore other alternatives to the proposed site in adequate detail; b) any attempts to dump contaminated fill and cap it with clean fill by the Army Corps of Engineers should not be allowed; c) the site is too close to the Stellwagen Bank National Marine Sanctuary to be assured that it will not impact sanctuary resources; and d) informed decisions regarding site designation can not be made until we know more about the effects of contaminants on endangered species and their primary prey.

To start with, the document once again fails to explore other options in any significant manner. The only discussion of other options regarding new sites were brief, almost disregarding comments in reference to the supplemental Draft Environmental Impact Statement issued by the EPA. At the time, many comments were made that the options offered were not the most appropriate, and other alternate sites needed to be discussed. This has not happened, yet it still needs to take place before appropriate management actions can happen.

Our primary concern in the designation and continued use of the site is ~~the~~ ~~is~~ ~~fold~~. First, while there are numerous reassurances that only clean material will be dumped at the site, we are ~~not~~ ~~able~~ to believe that sediment testing will be adequate to catch ~~all~~ of the material which does not fall within the "clean" criteria ~~set~~ by the EPA. Further, consistent use of the site opens it up to accidental dumping of contaminated material, as took place recently on the first day of the third harbor tunnel dredge project.

A good example of the dangers facing this site comes from the current and proposed Boston Harbor dredging projects. The Army Corps is currently investigating the possibility of dumping these spoils at the proposed site and capping them with clean fill.

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A non-profit organization emphasizing whale research and education

However, despite numerous meetings and discussions regarding the possibility of capping to minimize exposure of contaminated sediments, there has been no convincing evidence that it is a viable option in the deep waters of Stellwagen Basin. We feel that any such activities should not be allowed to take place.

The currently proposed site, even at its slightly altered location (shifted to the southwest slightly), still abuts the proposed boundary of the Stellwagen Bank National Marine Sanctuary. While we appreciate the spirit of the proposed move of the site slightly to the southwest, it is still in dangerously close proximity to the sanctuary. This sanctuary is being designated because of its national significance as a feeding ground for endangered whales, marine mammals, and commercially important fish species. Given the importance of protection of this site, we strongly feel that there must be another, more appropriate dump site that would not possess the same risk to sanctuary resources. Discussion of any such alternate areas is totally missing from the FEIS.

While there are repeated reassurances in the FEIS that pollutant loads will not impact marine biota, the discussion of the effect of bioaccumulation on protected species (page 37 of the FEIS) points out how much more we need to know before an informed decision can be made regarding disposal impacts. The discussion points out that detectable levels of PCB, DDT, and chlordanes have been found in humpback whale blubber, and that a single attempt to capture sand eels for pollutant testing was unsuccessful. Before the impacts of disposal can be measured, we at the very least must have some information on contaminants in sand eels, the primary prey for many marine mammals and fish species in the region around the disposal site. Further, while it is true that it is difficult to determine where exposure of large whales did take place, it is possible and critical to gain insight into this problem before proceeding with designation of the proposed site.

In several cases the text of the FEIS also somewhat misrepresents the biological opinion of the National Marine Fisheries Service regarding impacts of disposal on endangered species (published as Appendix C in the FEIS). It is true that they do conclude there is not jeopardy to the continued survival of the species, they also state that safe dumping can only take place with: a) a NMFS observer on all disposal vessels; b) Contact between EPA and/or Corps personnel with NMFS Protected Species Staff; c) documentation of a waste management plan to NMFS for disposal vessels over 40 feet long; d) monitoring to assess the reliability of the ADDAMS DUMP model, with an emphasis on worst case scenario; e) restriction of disposal in certain weather conditions; f) studies to assess ambient levels of pollutants; and g) a long-term monitoring program to assess toxin burdens in free-ranging endangered species. We concur with NMFS that these steps are essential in assuring safe dumping, but they are not mentioned anywhere in the text of the FEIS.

We hope that the EPA will appreciate the significance of the marine biota which use the waters in and immediately adjacent to the proposed dump site, and will act in a manner consistent with conservation of these resources. An essential and important step would be a thorough discussion of alternate sites that are not relied on by such commercially and aesthetically valuable marine resources, and an expansion of our knowledge about the existing site and its resources before any final steps are made. We look forward to wise action on the part of the EPA.

Sincerely,


Mason Weinrich
Executive Director

cc: Sen. John Kerry
Sen. Edward Kennedy
Rep. Nicholas Mavroules
Rep. Gerry Studds



CENTER FOR COASTAL STUDIES

A Private Non-Profit Organization for Research, Education and Conservation in the Coastal & Marine Environments

59 Commercial Street • P. O. Box 1036 • Provincetown, Massachusetts 02657 • Telephone: (508) 487-3622

27 August 1988

Ms. Ann Rodney US EPA Region I, WQE
JFK Federal Building
Boston, MA 02203

RE: Comments on the FEIS for Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay

Dear Ms. Rodney:

Thank you for the opportunity to comment on the Final Environmental Impact Statement for Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay. The Center for Coastal Studies maintains a strong interest in the designation of a dredged material site in Massachusetts Bay due to the potential for long-term impacts to the Bay's living resources, particularly those which inhabit the area within the proposed Stellwagen Bank National Marine Sanctuary. We concur with the statement that the designation, in and of itself, does not represent a significant impact to the marine environment; however the use of the site will require stringent management and quality control measures in order to insure that adverse impacts do not occur.

General Comments

As a member of the EPA's Advisory Committee on Waste Disposal in Massachusetts Bay, I am concerned that there is not yet a clear understanding of the location of materials which were scheduled for disposal at the IWS, versus those scheduled to go to the existing MBDS. It appears from some of the monitoring data that materials (including concentrated sediments) have been scattered all over the general area which is to be used as two sites.

For example, according to DAMQS Contribution 64 (February 1988), Monitoring Survey of the Foul Area Disposal Site, the Foul Area Disposal Site (IWS) has been receiving dredged material since 1977, and due to less than accurate navigational systems, much of this material has been scattered all over the entire western half of the present site. Prior to 1977, it is reported to have been used almost continually for the previous four to five decades for the disposal of dredged material, industrial waste, building debris, and low-level radioactive material.

Page 7 of this report states, "The level of contaminants in the dredged material deposited at this site... are generally similar to those measured at the disposal site except for mercury and PCB's, which had much higher levels in the original dredged

material." This statement seems to indicate that there has been a release or breakdown of mercury and PCB's into the marine environment from these contaminated sediments. The report explains the difference as likely being due to inadequate testing of the original material or imprecise location information.

The report also states that during the period of July to November 1986, approximately 30,000 cu. yds. of material from two permits: (Blue Circle Atlantic, 25,800; and General Electric, 4,000) which had elevated levels of PCB's and heavy metals were disposed of at the site. The study could not clearly define the location of the Blue Circle or General Electric material based on chemical signatures.

My main reasons for referring to this document are : (1) that unconfined contaminated materials have been disposed of at the IWS in the recent past, and (2) even with a sophisticated monitoring program like DAMOS, it is not always possible to locate these materials once they are dumped.

At this time, the EPA or ACOE have not adequately confirmed the amount, location, and/or nature of hazardous and radioactive wastes from past dumping practices in this area. Therefore, it is not clear that moving the MBDS to the southwest will accomplish the goal of avoiding concentrations of waste barrels and other debris. In my opinion, until this initial investigatory work is complete that the efficacy of relocating the MBDS to the southwest cannot be adequately assessed.

With respect to the need for a plan for disposal of contaminated material prior to the final designation of the MBDS, I agree that the case-by-case approach using improved testing protocols and management procedures is workable for most projects; however I am less confident that when the time comes to initiate the contracts for the "mega" Boston Harbor project, the testing protocols will be sufficient to preclude "confined" disposal at the MBDS. Relying on the case-by-case approach for too long may result in the EPA being forced to accept capping and a "very large-scale experiment" in the near future.

This situation is clearly unacceptable and should be avoided by moving as expeditiously as possible with a joint program with EPA, ACOE, NOAA, MACZM and other agencies to produce a long-range plan for disposal of contaminated dredge material as soon as possible.

Comments Pertaining to the Proposed Stellwagen Bank National Marine Sanctuary

As a member of the Stellwagen Bank Coalition Steering Committee, I am particularly troubled that the preferred site remains located immediately outside of the sanctuary's proposed western boundary. The Steering Committee has taken the position that the most effective way of avoiding impacts to Sanctuary resources is to give NOAA

authority to **review**, modify, and/or deny individual permit applications for dredge disposal activities which may harm sanctuary resources. The proximity of the disposal site will certainly impact sanctuary resources, yet because it remains outside sanctuary boundaries, disposal activities will not be controlled by sanctuary personnel.

Including the disposal site within the sanctuary boundaries would insure that NOAA is an active and effective partner in the decision-making process governing the long-term use of the site. We are not necessarily asking for additional regulations, but there must be assurances that disposal activities will not harm the sanctuary resources. The burden of proof shouldn't be on the sanctuary. The proposed relocation almost guarantees some level of degradation to sanctuary resources, leaving NOAA and/or the sanctuary manager with no authority other than to comment on proposed permits.

Fortunately, there is an option in lieu of relocating either the boundaries of the sanctuary or the disposal site. We are aware of a national Memorandum of Understanding (MOU) which is being negotiated amongst cooperating federal agencies to address the issue of ocean disposal activities within national marine sanctuaries. We respectfully request EPA to release the MOU for Stellwägen Bank for public review and comment prior to a final decision on the disposal site designation in order to arrive at an management program which protects sanctuary resources.

Capping Contaminated Sediments

We are encouraged by EPA's stance on prohibiting contaminated materials from open ocean disposal and support your efforts to insure that only clean materials are disposed of at the MBDS. In particular, EPA's letters to the Army Corps of Engineers (6/12/91 and 9/27/91) regarding its objections to ocean disposal of contaminated sediments from the Boston Harbor Navigation Improvement Project, the uncertainty of capping as a mitigation strategy, and the inadequacy of the alternatives analysis are commendable and illustrate the strict enforcement actions expected of the EPA on this issue.

However, **notwithstanding** EPA's current policy on this project, we remain skeptical of its ability (in the long-run) to prevent contaminated materials from being disposed at the MBDS. We base this opinion on i) the large amount of contaminated material scheduled for removal in the Boston Harbor area over the next five to ten years, ii) the economic importance of the projects to the region, iii) the lack of a specific plan for disposal of contaminated sediments, iv) the apparent preference of the ACOE to cap these materials at the MBDS, and v) the inherent difficulty in estimating the volume/toxicity of contaminated sediments associated with any (but especially large) dredging project.

In the meantime, we support the joint efforts of the EPA and ACOE to do a (small scale) pilot capping feasibility study at the MBDS in order to provide a better understanding of this management option. If further study indicates capping is a feasible mitigation measure at the MBDS, then a full EIS should be conducted for this action. For additional comments concerning capping as mitigation at the IWS, please see the Center for Coastal Studies' comments submitted on the Draft and Supplemental DEIS for this action.

Comments on the Recommended Plan:

Based on the information presented in the FEIS it is clear that some environmental degradation has occurred at the MBDS as a result of past dumping practices. The question which remains is the significance of the impacts. Since past disposal practices were far less controlled than are present operations, materials were spread carelessly in the vicinity of both the MBDS and the IWS. In fact, the boundary between the MBDS and the IWS has become blurred on the bottom due to inaccurate dumping in the past. The full impact of these poorly controlled activities is not yet, and may never be, completely understood.

Moving the site to include part of the IWS is likely to place the MBDS into Impact Category I and should require a thorough analysis of the impacts of dumping dredged materials over an area possibly containing hazardous and low-level radioactive materials. This action has not been thoroughly reviewed in the FEIS. The information provided in the assessments does not lead the reviewer to the conclusion that the existing site ought to be moved. The only justification provided is found in one paragraph on page 77. Although this relocation may ultimately prove to be appropriate, Final Rulemaking should not occur until further investigation of the IWS/MBDS overlapping area is complete.

As stated on page 77, the third reason for moving the existing MBDS boundary is to cover an area where contaminated sediments have been identified. This statement appears to be contradictory with EPA's assertion that the MBDS should remain a Category II site.

Is this the area where EPA and the ACOE plan to do the pilot capping feasibility study? If it is, shouldn't this action have been identified as part of the EIS process in order to enable a thorough review of expected impacts, positive and adverse?

Other Recommendations

- Do not proceed with Final Designation of the MBDS until investigations at the IWS are complete and a meaningful boundary (one which isolates hazardous/radioactive material from "clean" dredged materials) can be established.

• Increase scope and frequency of in-situ biological monitoring, especially for target species likely to exhibit bioaccumulation and biomagnification including sand lance (Ammodytes sp.), redfish (Sebastes marinus), and lobster (Hommarus americanus), and other routinely sampled species at both the MBDS and IWS.

• Work closely with NMFS to assist in implementing the Recovery Plan for the endangered Humpback Whale, (November, 1991). Sections of particular relevance to the proposed action are:

Objective 1.3 - Identify and minimize possible adverse impacts of human activities and pollution on important habitat. (see details, pg 40)

Objective 1.4 - Monitor parasite load, biotoxins and anthropogenic contaminant level in tissues and their prey. (see details, pg 41)

Thank you for the opportunity to comment. We hope that you will consider all of our comments carefully before making a final decision on the MBDS designation.

Sincerely,



Russell A. DeConti
Director of Conservation

cc: Senator John Kerry
Congressman Gerry Studds
Ms. Trudy Cox
Mr. Jeff Benoit
Mr. Doug Beach



Center for Marine Conservation

August 26, 1992

Ann Rodney
US EPA Region I, WQE
JFK Federal Building
Boston, MA 02203

Dear Ms. Rodney:

The purpose of an Environmental Impact Statement (EIS) is to enable the decisionmaker to make an informed decision on a federal action based on a clear delineation of alternatives and a thorough consideration of the consequences of those alternatives. The FEIS as written does neither. The range of reasonable alternatives has not been "rigorously explored" (CEQ Guidelines), nor have the environmental consequences of any alternative outside the current Massachusetts Bay Dump Site (MBDS) been addressed. Further, the slight shifting of the proposed site described in the preferred alternative raises a variety of significant new issues that must be discussed as required not only by NEPA but also by the agency's own regulations (see below).

The FEIS is inadequate in our view for several reasons: it does not examine the consequences of alternatives other than the preferred alternative; it does not take account of the impact of changing the site boundary to encompass a preexisting contaminated site; it makes limited examination of possible alternatives--the issue CEQ describes as the "heart of the EIS."

According to the CEQ guidelines on preparation of EIS's, "the statement (on preferred alternative) must be objectively prepared and not slanted to support the choice of the agency's preferred alternative over the other reasonable alternative" (4b). The amount of attention and detail given to the MBDS alternative in the DEIS, the SDEIS, and the FEIS indicated that other reasonable alternatives were not given equal weight. Additionally, the guidelines state that "...the analysis devoted to each alternative in the EIS is to be substantially similar to that devoted to the "proposed action"" (5b) section 1502.14 NEPA. The DEIS contained no analysis of alternatives. The SDEIS devotes only nine pages to the alternatives analysis. Unlike the DEIS treatment of the proposed action, it does not explore in detail the physical and biological characteristics of the alternatives, but only provides cursory descriptions. Section 1502.16 requires a discussion of environmental consequences of each alternative. This was not done for any alternative outside of the MBDS. Finally, 20a of the guidelines state that "Normally the responses should result in changes in the text of the EIS, not simply a separate answer at the back of the document".

The FEIS offered no revision of the alternatives, no further exploration, and inadequate spectrum of alternatives, nor any further information from which to make a sound, environmentally protective decision. An alternative which explores the environmental and economic consequences of not designating an ocean disposal site should have been developed. Additional alternatives addressing containment sites should also have been developed. The true mission of EPA is not to simply find a suitable open ocean disposal site, but to find a suitable, environmentally protective site for the disposal of dredge

material from the New England area. This requires an examination of all possibilities, not just open ocean disposal.

Specific Comments

Relation to the proposed Stellwagen Bank National Marine Sanctuary

Title III may not specifically preclude the location of a dredged material disposal site being encompassed by, or adjacent to a National Marine Sanctuary (NMS), however Title I does (FEIS, p.68. EPA response). The implementing regulations for Title I state that temporary perturbations in water quality must be reduced to ambient levels before reaching a marine sanctuary (CFR 228.5). Clearly a dumpsite located within, or directly adjacent to a NMS would have difficulty meeting this requirement. To consider a dredge spoil disposal site as a part of the multiple, compatible uses of a sanctuary is to violate the intent of Title III. Sanctuaries are areas of high value which deserve extra protection. They are not dumping grounds.

The NOS/Sanctuary and Reserves Division should have permit review of all dredge material disposal permit applications for any site in proximity to the proposed Stellwagen Bank National Marine Sanctuary. EPA acknowledges National Marine Fishery Service (NMFS) and Fish and Wildlife Service (FWS) authority to review permits under the Endangered Species Act. Sanctuary resources are equally important and deserve similar consideration.

CMC disagrees with EPA's belief that the existing regulatory regime is stringent enough to provide adequate protection of the marine resources of the sanctuary. Sanctuary designation recognizes areas of special natural resources that require more diligent, extensive, and protective regulation. EPA's correspondence with the Army Corps of Engineers (FEIS, Appendix B) clearly indicates that the COE decisions regarding the disposal of contaminated sediments is not always compatible with that of resource protection. Additionally, the COE willingness to test an unproven technology, that of capping, with contaminated materials, despite serious flaws in that technology, further highlight the disregard on the part of some agencies for marine resource protection. EPA, which is not a steward of marine resources, has a role in keeping the standards for dredge material disposal high. NOAA, which is a steward, has an equal if not greater role in ensuring that no disposal is permitted that may risk the extremely valuable resources of Stellwagen Bank. We strongly support NOAA's certification of any dumping permit if the MBDS or any site near the sanctuary is designated.

The Memorandum of Understanding that is currently being drafted between EPA, NOAA, and the ACOE regarding dredge spoil disposal should be made public and subject to public review, prior to the designation of the open ocean disposal site. The proximity of the Sanctuary and valuable marine resources such as fishing grounds and marine mammal habitat to an open ocean disposal site make the operation of any site extremely critical. Given the high levels of public concern regarding dredge spoil disposal, any agreement regarding the operation of the site should be open to public review.

Alternatives

EPA's response states that permit applicants must consider all alternatives before a permit is issued (FEIS, section 3.1.2.). EPA has a similar responsibility in preparation of its EIS for dump site designation. Several major alternatives are not identified nor discussed. This includes analysis of alternative types of dumped material, alternative volumes of material, alternative frequencies, and alternative techniques, all required alternatives under section 4b of EPA's procedures [FR, 39(284)]. The alternatives analysis that was done was not sufficient in depth or breadth. Sufficient analysis of environmental consequences of the identified alternatives was not done, so

that an accurate comparison of the options was not possible. Additionally, options such as a containment site, upland disposal, etc. were not examined at all. From the spectrum of alternatives for dredge material disposal, EPA has selected only the open ocean disposal option. From that, EPA has further paid little heed to the requirements of NEPA to fully examine the range of alternatives within that option.

In section 3.2.4 of the FEIS EPA did not consider the closing of the MBDS or "no open ocean disposal" as a reasonable alternative because they had already determined a need (a total of four pages devoted to this determination out of a 230 page DEIS) for open ocean disposal. The implication of not doing a "no disposal" option is that the need far outweighs the environmental consequences, and that the limited number of options made the MBDS the preferred alternative. It appears that EPA would be willing to site a disposal site on the top of Stellwagen Bank if that were the only option available before they would consider a "no-disposal" option. The purpose of the EIS is not to decide the lesser of all evils but to determine the environmental impacts of an action. EPA should address the environmental consequences of no disposal, both on Mass. Bay, Boston Harbor, and upland areas. This would be a better justification than the fact that there are few ocean options.

If an open ocean disposal site is designated in Massachusetts Bay, EPA should impose several conditions on the designation. Capping should be prohibited as a disposal option. There are currently too many questions regarding the effectiveness of this technology to allow it. If future research determines that capping may be an effective means of disposing of contaminated material at an open ocean site, then the EIS process can be reopened. No capping should be allowed without a full EIS to determine if it is the safest, most effective, most environmental option.

EPA should consider volume limitations as a condition of designation. CMC previously requested that an alternative specifically limiting the volume and type of material to be dumped be considered as part of an alternative analysis (CMC comments of Jack Sobel). This was not done and no explanation of this omission was given. Several large projects such as the Third Harbor Tunnel and the Boston Harbor Improvement project are scheduled for the Boston area and will have large quantities of material, much of it contaminated, for disposal. Volume limitations and contaminant restrictions will ensure that no acute effects are felt from large scale disposal. Additionally, EPA calculated future use without including these large projects. In order to make those calculations valid, limits must be placed on the volume to be dumped at the site.

Impact Category

The Industrial Waste Site

EPA states in the Introduction to the FEIS that the issue of radioactive contamination and other toxic compounds at the Industrial Waste Site is not germane to the issue of designating an open ocean disposal site at the current MBDS location. CMC disagrees. By shifting the boundary of the proposed site to encompass the pre-existing Industrial Waste Site (IWS), consideration of the preexisting contaminants and toxics should be triggered. In our view, the evaluation criteria set out in 40 CFR 228.10 have not been sufficiently addressed in the FEIS. In considering that the accumulation of material and the suspected toxins at the IWS and in part at the MBDS has impaired fishing in the area to a great degree, that the site is clearly within 12 nautical miles of a proposed National Marine Sanctuary, and that material has accumulated at the IWS, we believe the encompassment of a portion of the IWS in the MBDS places it in Impact Category I. The alternatives and consequences of this issue are not addressed in the FEIS.

Accumulation of material and the suspected toxins at the IWS and in part at the MBDS has impaired fishing in the area to a great degree. The presence of the adjacent IWS may place the MBDS in an Impact Category I thus altering the feasibility of this site for continued dumping. At a minimum, more stringent monitoring would be required.

Sediment Quality

In the FEIS, EPA restates one of the possible conditions for designating a site Impact Category I (FEIS, p. 22). EPA neglects to list the other possible conditions, including "identifiable, progressive movement or accumulation, in detectable concentrations above normal ambient values, of any waste or waste constituent from the disposal site within 12 nautical miles of any shoreline, marine sanctuary, or critical area" and "solid waste material disposed of at the site has accumulated at the site or in areas adjacent to it, to such an extent that major uses of the site or of adjacent areas are significantly impaired" (CFR 228.10, there are five total conditions, any one of which can be sufficient to designate an area as Impact Category I). Based on EPA's data, there is accumulation of waste constituents outside the disposal site and the MBDS should be declared an Impact Category I site.

Historical Use

In the Introduction to the FEIS EPA states that all three areas identified met EPA's criteria for open ocean disposal but that the MBDS was preferred because it was a historically used site. The choice of a dredge material disposal site must be based on environmental criteria primarily, with historical use as a secondary criteria only. CMC doubts that the presence of the proposed Stellwagen Bank Marine Sanctuary was adequately considered in the determination of environmental impact of the MBDS. Based on the scant information available in the SDEIS it appears that the Murray Basin site may have been more environmentally sound. It appears that EPA has placed historical use and perhaps cost as higher priorities than environmental protection in the choice of the preferred alternative.

Future Use

The Third Harbor Tunnel alignment project was included in EPA's justification of the need for open ocean disposal of dredge material (DEIS, pg. 7). Why was the material from this project not included in the calculation of future disposal needs (FEIS, section 3. 1.3)? It is estimated that the Third Harbor Tunnel Project will generate almost 3 million cubic yards of material, some of which will be contaminated. Use of the MBDS for material from the Third Harbor Tunnel project could vastly change the determination of potential acute and chronic impacts to the area and will vastly change the determination of volume of future use. If this material is used to justify the need for a disposal site, and is intended to be dumped at the MBDS, it should be included in the assessment of environmental consequences.

The Boston Harbor dredging project was also used as justification for the need for open ocean disposal (DEIS, pg. 7). Does EPA expect that this project will eventually use the MBDS? EPA states that the Boston Harbor Improvement Dredging project was not included in future disposal projections, presumably because analysis has indicated that sediments there are not suitable for open ocean disposal. However, in the DEIS, EPA states that the MBDS "may be used for disposal of dredged materials from several polluted harbors in the area" (DEIS, p. 1). What is EPA's position on the use of an open ocean disposal site for polluted sediments? What is EPA's definition of "polluted"? EPA's position should be clarified, particularly in regards to the use of open ocean disposal for contaminated sediments. Any open ocean disposal site in

Massachusetts Bay should be strictly conditioned for clean sediments only. No contaminated sediments should be allowed at the site and a prohibition on capping should be a condition of site designation.

Water Quality

EPA finds that the water quality criteria exceedance for copper is likely due to the high ambient levels of copper at the MBDS (FEIS, pg 17). While CMC does not dispute this, the evidence of high levels of copper from previous dumping should lead EPA to consider more limitations and more stringent requirements to avoid further degradation of an already degraded system. The fact that a system is degraded should be used as a trigger for more protective action, not an excuse for water quality criteria violations.

In the DEIS, EPA determined the water column levels of contaminants after dumping, using the DAMOS model. EPA used COE water column contaminant concentration data from the MBDS (COE, 1988) to determine ambient levels for use in running the model. The model resulted in several exceedances of water quality criteria. In the FEIS, EPA has arbitrarily substituted their own baseline data, taken near but not at, the MBDS, to redo the model using "cleaner" ambient levels. Subsequently, the water quality criteria exceedances were fewer (FEIS, pg.16). EPA offers no justification for using different baseline data, and no rationale for using EPA data from "near the site" rather than COE data from the MBDS. EPA should not assume that data which is only near, and not at, the MBDS is better. EPA states that actual level of contaminants may be lower as evidenced by lower numbers in the Bay and data from an area near the MBDS. EPA has no real evidence that the COE data is incorrect. It appears that EPA's sole motivation in using different data is to avoid water quality criteria violations. Unless EPA can show clear evidence that the original COE data was faulty, it should continue to use this data for calculations of impact since this data is from the site itself.

Sediment Quality

EPA has determined that poor sediment quality at the MBDS has not adversely affected the marine resources of the area. This conclusion is erroneous. It was based on the fact that there is no statistically significant difference between the MBDS and the reference site MUD REF (FEIS, section 3.3.2.1). Further studies have shown that the MUD REF site may be contaminated as compared to a new, clean reference site REF A (FEIS, section 3.9.1.1., pg 49). Therefore comparisons to the MUD REF site are invalid. EPA should compare the marine resources of the MBDS to those of the REF A to make an accurate determination of the impact of the MBDS on resources.

Cumulative Effects

EPA addresses the concern of bioaccumulation by stating that the levels of contaminants found in fish, lobster, clams, and scallops do not cause unacceptable risks of cancer (FEIS, section 3.5.2). Determining the risk of cancer is not the same as determining if bioaccumulation has occurred and to what degree.

Bioaccumulation and Protected Species

EPA should continue in their efforts to monitor the contaminant levels in sand lance. As this is the primary prey item for humpback whales and other endangered marine mammals, it is critical that every effort be made to ensure that the MBDS is in no way impacting on their food source.

Human Health Risks

If possible, EPA should determine what the upper limit on fish consumption is before unacceptable cancer risks occur. Many people that work and live in the coastal areas of New England consume much more than one gram of seafood per day.

Citizen's Advisory Board

A Citizen's Advisory Board should be set up, given the deep public concern and potential threat of contaminated dumping at the MBDS. Although EPA has shown its commitment to allowing only acceptable materials for disposal, there remains the future risk of capping and disposal of marginal material. EPA states in the DEIS that "(if) testing...indicates that there is a potential for adverse environmental impact, several options are available. Permit applications are evaluated in part on the need for dredging, cost, and the availability of other disposal alternatives. As a result, although the potential for environmental impacts may be indicated ... permit denial (for ocean disposal) is not always a viable alternative" (DEIS, 5.4.7, pg 227). A Citizen's Advisory Board could support EPA in its decisions to deny permits for contaminated material, and serve as a double-check on permit decisions.

Management

Protocols that are acceptable for nationwide standards may not be sufficiently stringent for areas of special significance, like sites near national marine sanctuaries. EPA should consider more stringent protocols for materials at the MBDS which would include seasonal restrictions, volume restrictions, and tight restraints on the acceptable level of contaminants. EPA should condition the designation to prohibit capping and to restrict volume of disposal.

CMC strongly supports EPA in its position regarding the disposal of the Boston Harbor Improvement sediments. A containment site for those sediments should be developed as soon as possible to prevent increased pressure for disposal from overwhelming EPA's criteria. Testing of capping technology with non-contaminated sediments is a good idea, but grain variations in the test material will not reveal if leaching into the cap is occurring. An alternative means should be developed to test this option. At this time, capping should be prohibited at the open ocean disposal site. If future research can support the safe and effective use of capping, a new EIS should be done to evaluate all options for contaminated material disposal as compared to capping.

NOAA's role in the permitting of dredge spoil disposal must be more than advisory for any open ocean disposal in the vicinity of the proposed national marine sanctuary (FEIS, p.60). The resources of the sanctuary are of national significance and deserve the most stringent protection. As the steward of these resources, NOAA must have the ability to ensure their protection. NOS/Sanctuary and Reserves Division should have permit review for all dumping activity, at least as strong as NMFS and FWS.

EPA has made the determination that there have been no unacceptable effects from previous dredge material disposal on endangered species or their prey, but EPA has not tested the body burden of contaminants in sand lance (FEIS, section 3.9.2.7, pg 65). Therefore it has no knowledge of impacts to this major prey species. Seasonal restrictions may be necessary to prevent impacts.

The Recommended Plan of Action

Questions remain as to the sufficiency of the information contained in this and other documents to make an adequate assessment of this alternative over the other possible alternatives. A full assessment of other alternatives, including containment sites, upland disposal, a more inshore disposal area, and conditions on designation (volume, season, type), should be done.

EPA's correspondence with the COE (June 12, 1991) indicate that the ADAMS model is a better system than the DAMOS. Is this the same DAMOS EPA claims is the most advanced and comprehensive monitoring program of its kind? Please explain the difference between the DAMOS mentioned in EPA's correspondence and that mentioned in the Recommended Plan.

Of the options listed for dredge material disposal instead of open ocean disposal (FEIS, p. 79) -beach nourishment, landfills, construction, marsh creation -none is suitable for disposal of the contaminated sediments found in the Boston Harbor area. Without a "feasible alternative", the pressure to dispose of contaminated sediments at the MBDS will be great. To prevent this, EPA should designate a containment site in conjunction with any open ocean disposal site.

Permitting of any project should also be coordinated with the National Marine Sanctuary Program, and they should also receive testing results.

Monitoring Program

The long-term monitoring of chronic impacts from fine grained sediments should be a critical part of the monitoring program. Although only 5% of the load may remain in suspension and disperse out of the site, this fine grained portion contains the greatest concentrations of contaminants and is therefore the most critical component to monitor. Although this monitoring may be difficult, recent technological advancements, including benthic photographic techniques, do provide a method.

An outline of proposed monitoring program should be included in the EIS. Such an outline would give sufficient information to determine if, in fact, there will be adequate monitoring of the site. This information is critical to the determination site acceptability for ocean disposal, is integral to the designation, and should not wait for each permit review.

EPA should monitor sand lance, benthic invertebrates, and species assemblages. Lobster metabolize PCB's and therefore will not provide an adequate test organism to determine potential accumulation of PCB's in benthic or bottom dwelling organisms.

Tiered Monitoring and Management Decision Options

The Tier 1. #4 management option seems to imply that if sediments have moved offsite, EPA will simply reconfigure the boundary of the site to match where the sediments have migrated. This is an unacceptable option. If sediments are migrating towards critical marine resources, or are extending beyond the boundaries of the site, serious consideration must be given to closing the site and seeking a new alternative.

Other

The Recommended Plan should note that a new section 7 consultation and biological opinion will be needed if capping is ever considered as a disposal option. It should also note that NMFS requires that all permit applications go through a section 7 consultation. NOS/Sanctuary and Reserves Division should also have permit review.

Thank you for this opportunity to comment. The Center for Marine Conservation trusts that you will take these comments seriously and consider all of them carefully before moving to designate an open ocean disposal site in Massachusetts Bay.

Sincerely,



Maureen Eldredge
Habitat Conservation Specialist

cc: Sherrard Foster, NOAA
Gerry Studts, US House of Representatives

MARIAN F. MCALEENAN
3 BRANDEGEE AVENUE
BRANFORD, CONNECTICUT 06405-5621

August 22, 1992

Ms. Ann Rodney
US EPA Region 1
WQE
JFK Federal Building
Boston, MA 02203

Dear Ms. Rodney

I am writing to say that I care a great deal about dredge spoil disposal in Massachusetts Bay. There is not enough information about alternative options to make a decision at this point. Please chose a site that is more environmentally sound, rather than a site that is less than a mile away from the proposed Stellwagen Bank Sanctuary. Thank you.

Sincerely,

Marian F. McAleenan

Mrs. Robert E. Larson
1970 Main Road
Tiverton, Rhode Island 02878

August 27, 1992

Ann Rodney
US EPA Region 1, HQE
JFK Federal Building
Boston, Mass. 02203

Dear Ms. Rodney, Re: Dredge Spoil Disposal

As a member of several conservation
Commissions and Committees, I am writing
to strongly urge the EPA to thoroughly
explore alternative options as to the disposal
of dredge spoil - making certain that a site
and method of disposal is environmentally
sound. Certainly the proposed Stillwater
Bank Sanctuary must be protected.

With the hope that your agency is
truly committed to Environmental Protection.

Sincerely,
Marjorie A. Larson

Wed., Aug. 26, '92

Ann Rodney
US EPA Region I
WQE, JFK Fed. Bldg.
Boston, MA 02203

FRANK HARMON
11102 BUCKNELL DR
SILVER SPRING MD 20902



I strongly urge that EPA not approve a dredge spoil dump site in Mass. Bay adjacent to the proposed Stellwagen Bank Marine Sanctuary. Dredge spoils from the Boston and Chelsea areas are strongly contaminated with extremely toxic chemicals and heavy metals, and would have a deadly, devastating effect endangered whales, fish, etc. which depend on the area for food. How can you possibly use this area for the dump site when EPA has

not designated ² any to receive contaminated sediments? Is there any assurance that heavily contaminated toxic spoil would not be dumped at the site?

Time should be taken to look for other possible sites. The Sanctuary is so close to approval that any site in Mass. Bay should allow sanctuary program review of dumping permits.

Sincerely -

Frank J. Harmon

Ann Rodney
U.S. EPA Region I
WQE
JFK Federal Bldg.
Boston, MA 02203

August 26 , 1992

Dear Ann Rodney:

This is to report the opinion of the Cape Cod EXCOM Sierra Club Group concerning the final Environmental Impact Statement of EPA. The FEIS addresses the re-drafting of the Mass. Bay Disposal Site Boundary and the continuous use of the site as a disposal site for dredged material.

1. The EPA FEIS is not considered conclusive since it fails to establish an MBDS site that can be determined as permanently beyond the Stellwagen Bank National Marine Sanctuary. Although the disposal site has been moved further to the Southwest it is not guaranteed to be beyond the Marine Sanctuary. At this time the designated boundary of the NMS preferred by NOAA has not been officially accepted. Therefore.... it is the request of Cape Cod Group Sierra EXCOM that EPA indicate that the MBDS will be placed outside, unequivocally, of the future sanctuary boundary so that the dredged spoil will NOT impinge on the Sanctuary.
2. The FEIS is not full developed in all aspects since it fails to consider the site selection process as an integral part of cogent site management and monitoring systems.
 - a. The Corp of Engineers plan to dispose the Dredge Spoil from Boston Harbor into 300f of water at the MBDS. However it is not at all established that it is possible to cap contaminated drege spoils of such a great depth as is suggested by the Corps.
 - b. The Sierra Club supports the Disposal of "clean" Dredge Spoil at MBDS; it is a fact that the new site would overlap a prior chemical waste disposal area (IWS). It is practically and inevitable consequence that the Dredge Spoil will cover the barrels of leaking radioactive waste. This will preclude remedication efforts.
 - c. EPA has not developed criteria for sediment chemical quality examination which will determine when a Dredge Spoil receiving area has reached its disposal limit. It is essential that the initial existing conditions of the MBDS site be outlined. Thereby a baseline could be established to guide the permitting and monitoring programs.
 - d. It is disagenenious of the EPA to contend that risks to human health at the present Industrial Waste Site are not significant! The calculations of 3 to 6 parts in a million for cancer causing contaminant at the MBDS site indeed excels the 1 in a millien criteria commonly employed by certain regulations. By citing this calculation without

establishing future criteria the cumulative impact of toxics from Boston Harbor is ignored.

In summary...we deem it necessary to establish the monitoring and management plans before completion of site designations.

Very Sincerely,

Clifford DeBalm
David Dow
Charles Carter
Pamela Carter

16 Driftwood Lane
S.Yarmouth, MA 02664

Hugh P. McElrath
410 Thomas St.
Lawrenceville, Virginia 23868

10/15/92

Ms. Ann Rodney
EPA JFK Fed. Bldg.
Boston, MA 02203

Dear Ms. Rodney:

I am firmly opposed an open ocean dredge spoil disposal site in Massachusetts Bay. The plan places this site right next to the Stellwagen Bank Sanctuary. Dumping of dredge spoil from nearby polluted harbors could harm marine mammals, fish, and other marine resources. Such a dump site has no place near a sanctuary.

Respectfully,

Hugh P. McElrath

Hugh P. McElrath

September 22, 1992
P.O. Box 55712
Sherman Oaks, CA 91403
U.S.A.
(818) 569-3004

To: Ann Rodney,
US EPA Region I
WQE,
JFK Federal Building
Boston, MA 02203

Re: Stellwagen Bank National Marine Sanctuary

Ms. Rodney,

The plan to place an open ocean dredge spoil site right next to the proposed Stellwagen Bank National Marine Sanctuary must be reconsidered.

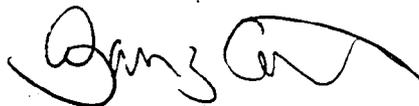
Such action would pollute nearby harbors and harm marine mammals, fish, and other marine resources in the area.

I urge the EPA to reconsider this choice of site and, at the very least, put strict controls on the type of material that would be dumped there.

Urgent action is needed before it's too late.

Thank you for your time and concern.

Sincerely,



Barry Cutler

Jared F. Tausig
18 Euston Street #2
Brookline, MA 02146

September 28, 1992

Ann Rodney
US EPA Region I
WQE
JFK Federal Building
Boston, MA. 02203

Dear Madam:

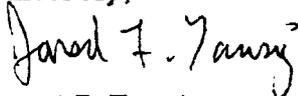
It was with considerable delight that I recently read (and subsequently heard of, on a Whale Watching trip I recently went on) that Stellwagen Bank might shortly be designated as a National Marine Sanctuary. You are no doubt aware of this areas' VITAL IMPORTANCE to a diversity of marine life.

However, it was with even GREATER DISMAY that we discovered the plan by the EPA to open an ocean dredge spoil disposal sight in Massachusetts Bay. Apparently, this plan places the site right next to the proposed Stellwagen Bank National Marine Sanctuary. Were the ocean a static environment, there might be some validity to this plan, but given the ebb and flow of the sea, frankly, I can see none whatsoever!

Dumping dredge soil from nearby polluted harbors could harm marine mammals, fish, and other marine resources in the area. I urge you in the strongest terms possible to reconsider your choice of the site, and at the very least put STRICT CONTROLS on the type of material that would be dumped there.

I sincerely hope that you and EPA consider the overall impacts of your decisions carefully. Not just in terms of political expediency, but in terms of the environment -- EPA supposedly stands for Environmental Protection Agency, does it not??

Sincerely,


Jared F. Tausig

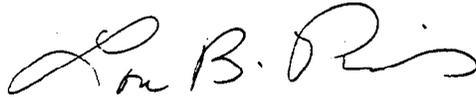
11706 Dermott
Houston, Texas 77065
September 25, 1992

Ms. Ann Rodney
US EPA Region I, WQE
JFK Federal Building
Boston MA 02203

Dear Ms. Rodney:

I am writing to oppose the placement of a dredge spoil site next to Stellwagen Bank. This bank is important habitat for the humpback whale population and its perservation is important.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Lou B. Parris".

Lou B. Parris

September 29, 1992

Ms. Ann Rodney
U.S. EPA Region I
WQE
JFK Federal Building
Boston, MA 02203

Re: Input on Final Environmental Impact Statement (FEIS) for the
ocean dredge spoil disposal site in Massachusetts Bay.

Dear Ms. Rodney:

This letter contains my comments and recommendations on the above-referenced FEIS. Please consider my input and include this letter in the appropriate administrative record.

At the outset, I am appalled and outraged that EPA would recommend adopting this disposal site adjacent to the proposed Stellwagen Bank National Marine Sanctuary. The dumping of dredge spoil, especially from nearby polluted harbors, could seriously harm marine mammals, fish, and other sensitive resources.

Please reconsider, and instead recommend against this disposal site in Massachusetts Bay. Alternative sites should be explored which would not harm marine life nor conflict with a marine sanctuary.

If this site is implemented, despite the likely adverse impacts, then please at least adopt, implement, and enforce controls on the type of materials which can be dumped at this site. Materials containing toxic substances should be prohibited, to preclude toxic bioaccumulation in the marine foodchain.

Thank you very much for considering my views.

Sincerely,


June Ringer

cc: Interested parties

129 East Fairview Avenue, Apt. 2
Glendale, California 91207

Sherri Zann Rosenthal

Attorney at Law
PO Box 25355
Durham, NC 27702
919.688.6636

9/28/92

Ann Rodney
United States Environmental
Protection Agency
Region 1, WQE
JFK Federal Building
Boston, MA 02203

Re: Proposed boundary of Stellwagen Bank National Marine Sanctuary

Dear Ms. Rodney:

I am writing to urge that the fullest protection be afforded the unique ecosystem of Stellwagen Bank. Specifically, I request that a final environmental impact statement be issued which seriously addresses the cumulative impacts of dumping activities on the fish and marine wildlife of the area.

Ocean dumping is particularly damaging, in part because of the inevitability that toxins and wastes will be taken into the food chain. Many of the sea mammals eat large amounts of small marine life forms, concentrating any toxins that these smaller animals have taken in. This concentrating effect makes it inappropriate for a unique whale feeding ground like Stellwagen Bank to be used as a dumping ground.

I urge that any scientifically valid EIS should take full account of the cumulative effects of continued use of the Massachusetts Bay Disposal Site upon the marine ecosystem, including the special marine mammal population of Stellwagen Bank.

I ask that a new final EIS be issued which properly addresses the cumulative impacts of dumping activities on the fish and marine wildlife of Stellwagen Bank. I would also like your opinion of when Stellwagen Bank will receive designation as a National Marine Sanctuary. If designation is not expected within the next month, I would appreciate an explanation of any issues impeding designation from occurring.

Your attention to this matter is appreciated.

Sincerely,



Sherri Zann Rosenthal
Attorney at Law

September 14, 1992

Ms. Ann Rodney
U.S. Environmental Protection Agency, Region 1
WQE
JFK Federal Building
Boston, Massachusetts

re: Massachusetts Bay Disposal Site

Dear Ms. Rodney,

I understand that the EPA is trying to designate the above site as a permanent disposal site, and that people who are better informed than I am are complaining of the inadequacy of the "final" Environmental Impact Statement so far released by the EPA.

I am writing to urge your agency to complete a full EIS that fully accounts for all toxins now being found in marine life in the area.

I also urge that there is no such thing as a permanent disposal site. There is no "away" where we can throw things we no longer want. Items dumped at the MBDS will be there indefinitely, accumulating to the point of being a maritime as well as an environmental hazard. Dumping dredgings from notorious Boston Harbor is not going to help, tests or no tests.

The Massachusetts Bay Disposal Site must be **shut down**, and no other marine site used as a replacement.

Sincerely,



John S. C. Morgan

29 Morseland Avenue
Newton Center, MA 02159-1151

(617) 332-3253

Susan Kiplinger
604 Victoria Ave. Apt. B
Venice, CA 90291

November 6, 1992

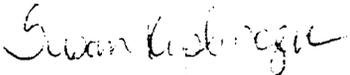
Ann Rodney
US EPA Region I, WQE
JFK Federal Building
Boston, MA 02203

Dear Ann Rodney,

I am writing because I am very concerned about the EPA's decision to place a dredge spoil site next to the Stellwagen Bank National Marine Sanctuary in the Massachusetts Bay.

Dumping of dredge spoil from nearby polluted harbors could harm marine mammals, fish, and other marine resources of the area. I strongly urge you to reconsider your choice of the site, and at the very least put strict controls on the type of material that would be dumped there. I look forward to hearing from you. Thank you for your time and kind consideration.

Sincerely,



Susan Kiplinger

August 25, 1992

Ann Rodney
US EPA Region 1
WQE
JFK Federal Bldg.
Boston, MA 02203

Dear Ms. Rodney:

I will be brief and to the point. I believe that the EPA is premature in its decision to site a permanent dredge disposal area anywhere in Massachusetts Bay. It is particularly disturbing that the Environmental Protection Agency would even consider a site so close to an ecologically sensitive area like the proposed Stellwagen Bank National Marine Sanctuary. This is a resource that should be given utmost consideration when making decisions that could affect its inherent value in any way.

While I am aware that contaminated dredge spoils are not technically acceptable for open ocean disposal, declaring the proposed site as a permanent dredge disposal area brings the option of "capping" contaminated dredge materials in the site just one step closer to potential reality. Further, the Army Corps of Engineers (specifically DAMOS), has not demonstrated substantially that capping is a "safe" management practice for contaminated materials. There are other options that have all but been ignored.

I believe that the Environmental Protection Agency should be true to its namesake and thoroughly investigate ALL options before making any kind of final management decision in this matter of locating a permanent dredge disposal site in Massachusetts Bay.

Thank you for your attention in this matter.

Sincerely,

Anne M. Newcombe
ANNE M. Newcombe
15 Warner St.
Gloucester, MA

01930

August 25, 1992

Ann Rodney
US EPA Region 1
WQE
JFK Federal Bldg.
Boston, MA 02203

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I believe that the Environmental Protection Agency should be true to its namesake and thoroughly investigate ALL options before making any kind of final management decision in this matter of locating a permanent dredge disposal site in Massachusetts Bay.

Thank you for your attention in this matter.

Sincerely,


Malcolm L. Martin
38 Mt Pleasant Ave
Gloucester MA, 01930

August 25, 1992

Ann Rodney
US EPA Region 1
WQE
JFK Federal Bldg.
Boston, MA 02203

Dear Ms. Rodney:

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I believe that the Environmental Protection Agency should be true to its namesake and thoroughly investigate ALL options before making any kind of final management decision in this matter of locating a permanent dredge disposal site in Massachusetts Bay.

Thank you for your attention in this matter.

Sincerely,

William C. Funk

*Bill Funk
37 Polhemus Ter
Middletown, CT 06457
Tel. (860) 348-1111
Director*

*William C. Funk
Box 5420, Wesleyan
Middletown, CT 06457
Recygn. Serv.*

August 25, 1992

Ann Rodney
US EPA Region 1
WQE
JFK Federal Bldg.
Boston, MA 02203

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I believe that the Environmental Protection Agency should be true to its namesake and thoroughly investigate ALL options before making any kind of final management decision in this matter of locating a permanent dredge disposal site in Massachusetts Bay.

Thank you for your attention in this matter.

Sincerely,

Jana Sandland
132 Prospect St
Gloucester, MA
01930
Cl. Patrick
Leah T. ft

August 25, 1992

Ann Rodney
US EPA Region 1
WQE
JFK Federal Bldg.
Boston, MA 02203

Dear Ms. Rodney:

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I believe that the Environmental Protection Agency should be true to its namesake and thoroughly investigate ALL options before making any kind of final management decision in this matter of locating a permanent dredge disposal site in Massachusetts Bay.

Thank you for your attention in this matter.

Sincerely,

John W. Taylor
254 Sycamore St.
Worington, VT

August 25, 1992

Ann Rodney
US EPA Region 1
WQE
JFK Federal Bldg.
Boston, MA 02203

Dear Ms. Rodney:

I will be brief and to the point. I believe that the EPA is premature in its decision to site a permanent dredge disposal area anywhere in Massachusetts Bay. It is particularly disturbing that the Environmental Protection Agency would even consider a site so close to an ecologically sensitive area like the proposed Stellwagen Bank National Marine Sanctuary. This is a resource that should be given utmost consideration when making decisions that could affect its inherent value in any way.

While I am aware that contaminated dredge spoils are not technically acceptable for open ocean disposal, declaring the proposed site as a permanent dredge disposal area brings the option of "capping" contaminated dredge materials in the site just one step closer to potential reality. Further, the Army Corps of Engineers (specifically DAMOS), has not demonstrated substantially that capping is a "safe" management practice for contaminated materials. There are other options that have all but been ignored.

I believe that the Environmental Protection Agency should be true to its namesake and thoroughly investigate ALL options before making any kind of final management decision in this matter of locating a permanent dredge disposal site in Massachusetts Bay.

Thank you for your attention in this matter.

Sincerely,

Wendi Blais

Wendi Blais
6695 Camino Del Ray
Bonsall, CA 92003

August 25, 1992

Ann Rodney
US EPA Region 1
WQE
JFK Federal Bldg.
Boston, MA 02203

Dear Ms. Rodney:

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Thank you for your attention in this matter.

Sincerely,

Joseph J. Ciarametaro Jr.
107 Cherry St
Gloucester MA 01930

August 25, 1992

Ann Rodney
US EPA Region 1
WQE
JFK Federal Bldg.
Boston, MA 02203

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Thank you for your attention in this matter.

Sincerely,

Rachel Claman
15 Trask St #1
Gloucester, MA 01930

Eco-Watch/Sonoma, 300 Ryan Ranch Rd, Sebastopol, CA 95472

Ann Rodney
US EPA Region I, WQE
JFK Federal Bldg
Boston, MA 02203

October 2, 1992

Dear Ms Rodney:

We oppose placement of a dredge spoil site next to the proposed
Stellwagen Bank National Marine Sanctuary.

Sincerely,

Charles E. Sone

Julia J. Lee
Carol Lee

Maddeline Sone

Michael Lee

Mary Ellen Baker

Robert Lee

Mary McLean

Gene Gallagher

Eco-Watch/Sonoma, 300 Ryan Ranch Rd, Sebastopol, CA 95472

Ann Rodney
US EPA Region I, WQE
JFK Federal Bldg
Boston, MA 02203

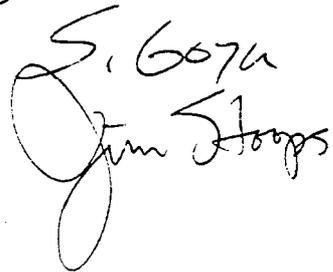
October 2, 1992

Dear Ms Rodney:

We oppose placement of a dredge spoil site next to the proposed
Stellwagen Bank National Marine Sanctuary.

Sincerely,


Ellen Leichter


Susan A. Field
S. 607u


Eco-Watch/Sonoma, 300 Ryan Ranch Rd, Sebastopol, CA 95472

Ann Rodney
US EPA Region I, WQE
JFK Federal Bldg
Boston, MA 02203

October 2, 1992

Dear Ms Rodney:

We oppose placement of a dredge spoil site next to the proposed
Stellwagen Bank National Marine Sanctuary.

Sincerely,

Heidi Moore

Bryan Olsen

Thad Maxwell

AND LAWDER

St. Bradford

Matthew

Kim Sherman

Matthew Burnham

Ms. Rodney,

9/25/92

I'VE BEEN FOLLOWING THE GLACIALLY
PACED PROGRESS (OR LACK OF IT) OF
THE DESIGNATION OF STELLWAGEN
BANK AS A NAT. MARINE SANCT.
SINCE THE SITE EVALUATION LIST
AND HAVE BECOME PROGRESSIVELY
ANGRIER AT THE SEEMING-UNENDING
MANUFACTURED OBSTACLES + FOOT-
DRAGGING WHICH HAS PLAGUED THE
BANK'S DESIGNATION. NOW I HEAR THAT
SOME OF YOU AT EPA (A MISNOMER IF
THERE EVER WAS ONE) PROPOSE A
DREDGE SPOIL DISPOSAL SITE VERY
CLOSE TO THE AREA I WISH TO SEE
FREE OF SUCH ASSAULTS. WHAT YOU
PEOPLE USE FOR BRAINS OR ETHICS
I CANNOT IMAGINE BUT SURELY, ITS
NOTHING REMOTELY RECOGNIZABLE
BY SANE RESPONSIBLE HUMANS AS
EITHER. I'D LIKE A COPY OF THE
FETS TO SATISFY MY CURIOSITY BUT
REGARDLESS OF ITS CONCLUSIONS,
THIS DUMPSITE SHOULD NOT BE
APPROVED, AND I SHOULD NOT HAVE
TO TELL ANY OF YOU AT EPA THAT.

Allen Kregel

Dear Ms. Rodney,

I am writing to tell you ~~of my~~ concern for the whales which inhabit & pass through the Stellwagen Bank area and oppose the EPA's attempt to designate the Massachusetts Bay Disposal Site as a permanent disposal site. I would ask that you look carefully at the cumulative impacts of dumping on fish & marine wildlife.

Sincerely, Nancy Riddle

Ann Rodney US EPA September 26, 1992

Dear Madam, I strongly oppose the placement of a dredge soil site next to Stellwagen Bank. Dumping of contaminated dredge soil from polluted harbors. These soils could harm marine life. It seems very stupid & shortsighted to make a marine sanctuary and then dump pollutants next to it. I am greatly concerned. Please rethink & remove the dump site. Thank you.

J. C. Marsh.

Ann Rodney -

I am opposed to the placement of a dredge soil site next to Stellwagen Bank.

Sally M Goldstein

107 7th St Broadmoor
Colorado Springs, Co 80906

Dear Ms. Rodney,

I am writing to tell you ~~of my~~ concern for the whales which inhabit & pass through the Stellwagen Bank area and oppose the EPA's attempt to designate the Massachusetts Bay Disposal Site as a permanent disposal site. I would ask that you look carefully at the cumulative impacts of dumping on fish & marine wildlife.

Sincerely, Nancy Rich

Ann Rodney US EPA

September 26, 1992

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J. C. Marsh.

Ann Rodney -

I am opposed to the placement of a dredge soil site next to Stellwagen Bank.

Sally M Goldstein

107 7th St Broadman
Colorado Springs, Co 80906

30 Sept 92

Dear Ms Rodney

I am concerned about the document which has been issued by the Environmental Protection Agency as the Final Environmental Impact Statement for The Massachusetts Bay Disposal Site as a permanent disposal site. The document does not address the cumulative impacts of dumping activities on the fish and marine wildlife of the area.

The Massachusetts Bay Disposal Area is near Stellwagen Bank an important whale habitat.

Sincerely

Sandra Lee Hutchinson

Sept. 21, 1992

Dear Ann Rodney,

I am opposed to the placement of a dredge spoil site next to Stillwages Bank, and you should be, too. This will not be good. Please do something since all I know to do is write a letter. Thanks!

Sincerely,

Anna
Churchill



HUMANE SOCIETY OF THE UNITED STATES
Ms. Anna Churchill
PO Box 320
Robbinston, ME 04671

61-50 Little Neck Parkway
Little Neck, N.Y. 11362
September 30, 1992

Ann Rodney
US-EPA Region I
VUE - JFK Federal Bldg.
Boston, MA 02203

Re: Massachusetts Bay
proposed disposal site

Dear Mrs. Rodney:

The Final EPA Environmental Impact Statement places the ocean dredge spoil disposal site in Massachusetts Bay right next to the proposed Stellwagen Bank National Marine Sanctuary.

Such dredge dumping could harm seriously marine mammals, fish, etc. of the area.

Would you please reconsider the site chosen, or, at least, place strong controls on the type of material dumped.

Thank you for your efforts along above lines.

Respectfully,
Mr. & Mrs. H. H. Adler

61-50 Little Neck Pkwy.
Little Neck, NY 11362
September 29, 1992

Ann Rodney
M.S. - EPA Region I
WQE - JFK Federal Bldg.
Boston, MA 02203

Studds' amendment designating
Re: Stellwagen Bank as a
National Marine Sanctuary

Dear Ms. Rodney:

Please be informed that we support the
Studds' amendment to the 1992 re-authorization
of the National Marine Sanctuary Act that
would officially designate Stellwagen Bank as
a National Marine Sanctuary.

In this event, there would be a comprehensive
ban on sand and gravel mining. Also, the
amendment establishes the Sanctuary boundaries &
requires federal agencies to consult with
the N.O.A.A. regarding actions that affect
the Sanctuary.

Thank you for supporting the
Studds' amendment.

Respectfully,
Mr & Mrs H. K. Adler

9/22/92

DEAR ANN,

AS A MARINE BIOLOGIST AND RESEARCHER WITH THE PLYMOUTH MARINE MAMMAL RESEARCH CENTER (PMMRC) OF PLYMOUTH, MASSACHUSETTS, I AM VERY MUCH OPPOSED TO THE PLACEMENT OF A DREDGE SPOIL SITE NEXT TO STELLWAGEN BANK. I AM BECOMING MORE AND MORE INVOLVED IN THE OUTREACH PROGRAMS OF PMMRC WHICH FOCUS ON EDUCATING THE GENERAL PUBLIC ABOUT THE VALUE OF CONSERVING/PROTECTING THE STELLWAGEN BANK/GULF OF MAINE AREAS. COULD YOU PLEASE SEND ME THE FEIS RECENTLY RELEASED BY EPA FOR AN OPEN OCEAN DREDGE SPOIL DISPOSAL SITE IN MASSACHUSETTS BAY

THANK-YOU,

Kathleen Mullin

KATHLEEN MULLIN
17 PERKINS WAY
E. DENNIS, MA 02641
(508) 385-9432

10/9/92

Dear Ann Rodney:

I write to indicate my strong support of the Studts amendment to designate Stellwagen with a comprehensive ban on sand & gravel mining there and no placement of a dredge spoil site adjacent to the Bank, the designation of such marine sanctuaries are so important for the U.S. which must be a world leader.

Sincerely yours

Franco Pulman

POB 293

W Paris, ME 04289

Dear Ann Rodney:

I am strongly opposed to the placement of a dredge ~~and~~ spoil site next to Stellwagen Bank a national marine sanctuary.

Please Help!

Thank you

Julie Doderlein

Julie Doderlein

28010 Robin ave

Saugus, CA 91350

Dear Ann Rodney

I am writing to you regarding the Stettwagen Bank.

This is a marine area off the coast of New England that is an important feeding area for whales in the Atlantic Ocean.

I need to describe it no further as I am sure you are familiar with it and Representative Gerry Studds efforts to designate it as a National Marine Sanctuary.

The purpose of my letter is to urge the E.P.A. to permit a dredge site near the National Marine Sanctuary,

Sincerely,

David DeRousse

TO THE EPA

10/11/92

We strongly object to the placement of a dredge spoil site next to Stellwagen Bank Maine Sanctuary Area.

It seems a thorough absurdity to have to explain WHY this should never be allowed, but then, it should never even have been discussed seriously.

Sincerely,

Dr. and Mrs. J. Steinberg



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
One Ashburton Place, Room 1109
Boston, Massachusetts 02108

WILLIAM F. WELD
GOVERNOR
CHARLES D. BAKER
SECRETARY

January 8, 1993

Ms. Julie Belaga
Regional Administrator
U.S. Environmental Protection Agency
JFK Building
Boston, MA 02203

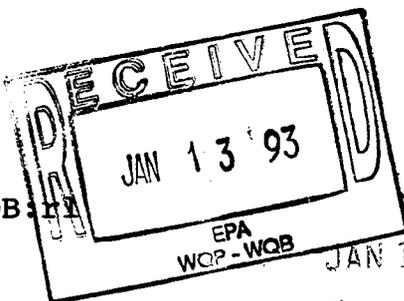
Dear Ms. Belaga:

In August 1992, the Department of Public Health (DPH) expressed concern about the U.S. Environmental Protection Agency's (USEPA) Final Environmental Impact Statement of the Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay which supported the continued dumping of dredged material at the Massachusetts Bay Disposal Site (MBDS). Our concern focused upon three issues: (1) the conclusion as to public health impact was drawn from insufficient data, (2) the proposed monitoring plan was too vague and (3) the proposed Automated Dredging and Disposal Alternative Management System (ADDAMS) model should be verified by measurements during actual disposal.

In the face of these uncertainties, DPH applauds Coastal Zone Management's (MCZM) federal consistency review, Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay, and the MCZM request that EPA allow only clean material be disposed at the MBDS. DPH supports MCZM's determination and reiterates the definition of clean as those sediments classified as Category I under State regulations, 314 CMR 9.00 or that satisfactorily pass the biological testing protocols as defined in the USEPA and the US Army Corps of Engineers (USCOE) green book or the USEPA and USCOE New England Division protocols. This definition is not meant to exclude future regulations which may be adopted to protect public health. DPH will continue to work with EPA on this issue.

Sincerely,

Charles D. Baker
Secretary



CDB:HA

JAN 12 1993